

2017



Youth Recidivism

*Diversion to Discharge
in Maine's Juvenile
Justice System*

Executive Summary

University of Southern Maine
Muskie School of Public Service
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**2017 YOUTH RECIDIVISM:
DIVERSION TO DISCHARGE IN MAINE’S JUVENILE JUSTICE SYSTEM**

MUSKIE SCHOOL OF PUBLIC SERVICE, UNIVERSITY OF SOUTHERN MAINE

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The findings and conclusions in this report reflect the views of the authors; they do not necessarily represent the views of the Maine Department of Corrections

EXECUTIVE SUMMARY

For nearly two decades, Maine has used data to track, analyze, and report on youth involved in the juvenile justice system. The goal of this research is to help assess the success of responses to system-involved youth by identifying which youth return to the justice system; to inform risk reduction efforts to benefit public safety; and to ensure that all Maine youth experience a fair, equitable, and responsive juvenile justice system that contributes to positive youth outcomes.

This summary reflects what is happening with the young people who encounter Maine’s juvenile justice system at various points of contact (e.g., diversion, community supervision, commitment). It shows that fewer youth are entering the system and that more of those who do are quickly and successfully diverted. It shows that youth supervised in the community are decreasing in risk level and offense severity and that the majority do not recidivate. It shows that committed youth are decreasing in risk level as well; the majority are assessed at low to moderate risk at time of commitment and are adjudicated with misdemeanor charges.

These positive findings are outlined in further detail below along with findings that are more concerning. These latter findings indicate opportunities to align policy and practice with the primary purpose of Maine’s Juvenile Code, which is “to secure for each juvenile . . . such care and guidance, preferably in the juvenile’s own home, as will best serve the juvenile’s welfare and the interest of society.”¹ A closer look at youth involved with the “deep end” of the system—those committed to Long Creek Youth Development Center—present some of the greatest areas of concern and opportunities for reform.

FOUR SYSTEM RESPONSES TO YOUTH REFERRED TO DJS (2010-2014)

<p style="text-align: center;">DIVERSION</p> <p>These youth have been referred to DOC, which has determined that it is in the best interest of the juvenile, his/her victim(s), and the community to resolve the case without pressing formal charges.</p>	<p style="text-align: center;">Recidivism rate</p> <p style="text-align: center;">7%</p> <p style="text-align: center;">N=8,621</p>
<p style="text-align: center;">SUPERVISION</p> <p>These youth had formal charges brought against them, were adjudicated by a judge, and were subsequently placed under the supervision of DOC within the community.</p>	<p style="text-align: center;">Recidivism rate</p> <p style="text-align: center;">35%</p> <p style="text-align: center;">N=2,105</p>
<p style="text-align: center;">COMMUNITY REINTEGRATION</p> <p>These youth have been adjudicated, committed to a secure facility and then released back into the community for additional supervision.</p>	<p style="text-align: center;">Return rate²</p> <p style="text-align: center;">42%</p> <p style="text-align: center;">N=261</p>
<p style="text-align: center;">DISCHARGE</p> <p>Discharged youth have been adjudicated, committed to a secure juvenile facility, and subsequently discharged from all supervision.</p>	<p style="text-align: center;">Recidivism rate</p> <p style="text-align: center;">53%</p> <p style="text-align: center;">N=458</p>

¹ Maine Juvenile Code, 15 M.R.S. § 3002

² These youth may or may not have committed new offenses; some youth are returned for technical reasons.

Executive Summary

The full report³ summarizes data from four system responses to youth involved with the Department of Juvenile Services (DJS) between 2010 and 2014 (see system response descriptions above). Included are analyses of youth demographics (gender, age, and race/ethnicity); offense class and type; length of supervision; Youth Level of Service/Case Management Inventory (YLS-CMI) risk scores and levels; and recidivism rates, or in the case of youth on community reintegration, return rates.

It is important to note that the same youth may experience more than one system response (e.g., diversion, supervision, etc.) and that youth have different risk and protective factors. This contributes to outcomes that vary not only by system but by individual as well. Thus, policy solutions must be tailored to the system of response, and programmatic interventions must be tailored to individual characteristics.

The one theme that appeared across all system responses was a decrease in number—fewer youth entered Maine’s juvenile justice system over time, and this was reflected in each of the four types of responses studied.

Fewer youth entered Maine’s juvenile justice system over time; this was reflected in each of the system responses studied.

The majority of youth referred to DJS are being *diverted* and do not return to the justice system.

The majority of youth referred to Maine DOC from law enforcement were diverted. From 2010 to 2014, diversion rates increased from 74% to 77%. **Ninety-three percent (93%) of youth who were diverted did not recidivate within two years of diversion.** It is clear that the practice of diversion works.

While the vast majority of youth who were diverted overall did not reoffend, there were some regional and gender differences worth noting. Youth diverted from Region 1 had lower recidivism rates compared to youth diverted from the other two regions, and females diverted in Region 2 had higher rates than females diverted from the other regions.

Fewer youth are being *supervised*, and those who are supervised have less serious offenses and lower risk levels.

The majority of youth supervised were low or moderate criminogenic risk.

From 2010 to 2014, the number of youth supervised decreased by 47%, resulting in 259 fewer youth supervised in 2014 compared to 2010. This decrease was primarily due to a decrease in the number of youth adjudicated for the first time. That decrease was accompanied by a decrease in the number of youth supervised with felony offenses. The proportion of youth supervised with felonies decreased from 17% in 2010 to 10% in 2014.

The initial risk level of youth decreased as well. While 12% of youth supervised were assessed as high risk (with scores of 23-42) on the YLS-CMI in 2010, less than half that

³ Available at: muskie.usm.maine.edu/justiceresearch/2017_Youth_Recidivism_Report

proportion (5%) were assessed as high risk in 2014. Thus, by 2014, the majority of youth supervised (95%) were low or moderate criminogenic risk. **Most youth who were supervised (65%) did not recidivate.**

While forty-two percent (42%) of youth who are released from commitment to *community reintegration* are subsequently returned to a facility, most are returned for technical reasons.

The majority of youth (53%) who were returned to a facility within two years were returned quickly—within the first three months of their release. **Twice as many youth (64%) were returned for technical reasons as were returned for new criminal conduct (31%),** and the proportion of youth returned for technical reasons increased over time, from 55% in 2010 to 86% in 2014.

The majority of youth who are *discharged* were committed with misdemeanors and assessed at low to moderate risk at time of commitment.

Fifty-nine percent (59%) of youth committed to a secure juvenile facility were committed with misdemeanor offenses, and 56% presented a low to moderate criminogenic risk to public safety. (The degree to which the practice of pleading down offenses at the point of adjudication impacts the proportion of misdemeanors is unknown.) It is possible that the young people who pose a low criminogenic risk to public safety have concurrent and acute mental health and psychosocial needs.^{4,5} This is of particular importance given that the preponderance of evidence finds that confining these youth has the effect of increasing, rather than decreasing, their risk level. While risk reduction is evident for high risk youth, intensive, secure interventions produce the opposite effect for low risk youth and their communities.⁶ This should be of concern to all juvenile justice stakeholders.

Intensive, secure interventions are counterproductive for low risk youth and their communities.

While the number of youth being *discharged* is decreasing along with offense severity, length of DOC supervision for these youth is increasing.

Overall, length of supervision increased from just under two years (21.7 months) in 2010 to just over two years (24.3 months) in 2014. This increase was driven by an increase in length of commitment for youth who were never released to community reintegration. Their length of stay increased from a low of 16.7 months in 2010 to a high of 20.5 months in 2014. This difference cannot be explained by a corresponding decrease in age at time of commitment.

Youth who were released to community reintegration spent an average of 13.6 months in a secure facility prior to release and were supervised for an average of 26.2 months total. While these metrics remained stable over

⁴ Disability Rights Maine. (2017). Assessing the Use of Law Enforcement by Youth Residential Service Providers. Retrieved from <http://drme.org/assets/uncategorized/Law-Enforcement-08.08.17.pdf>

⁵ Maine Department of Corrections. (2017). Profile of Youth Committed at Long Creek Youth Development Center as of July 1, 2016. Retrieved from http://digitalmaine.com/cgi/viewcontent.cgi?article=1032&context=doc_docs

⁶ Andrews, D.A. (2015). *The Psychology of Criminal Conduct*, 5th Edition. New York: Routledge.

Executive Summary

the years of this study, they increased in a previous study.⁷ Thus, length of supervision for youth released to community reintegration has stabilized, but it has done so at a point higher than that observed in 2008. Youth in the current study were held an average of 2.9 months longer prior to release than the 2008 cohort and had a total supervision time that was 6.5 months longer than that of the 2008 cohort.

Gender, age at commitment, offense type, and risk level are predictive of recidivism for *discharged* youth.

Overall, two-year recidivism rates remained relatively stable over the years of the study, averaging 53% and ranging between 44% and 58%. Males were more likely to recidivate than females. Youth who were 17 years of age at time of commitment were more likely to recidivate than youth belonging to other age groups. Youth with property offenses were more likely to recidivate than youth with non-property offenses. Youth assessed as moderate and high risk were more likely to recidivate than youth assessed as low risk.

More than half of *discharged* youth (51%) are discharged with misdemeanors and recidivate with misdemeanors.

An additional 30% were originally discharged with felonies but recidivated with misdemeanors. Approximately 10% were originally discharged with misdemeanors but recidivated with felonies, and 9% were both discharged and recidivated with felonies.

Risk level is a predictor of recidivism for both *supervised* and *discharged* youth, and low risk youth from both these groups recidivate at low rates.

All other factors being equal, only 20% of low risk youth who were supervised recidivated, compared to 39% of moderate risk youth and 50% of high-risk youth. Likewise, only 36% of low risk discharged youth recidivated, compared to 51% of moderate risk youth and 58% of high-risk youth.

The commitment of low risk youth appears to be counterproductive.

Furthermore, recidivism rates might have been lower for low risk youth had they not been pulled so deeply into the system (i.e., committed). Low risk committed youth who were reassessed prior to release *increased* in risk score, placing them at greater risk of recidivating upon release than they were prior to commitment. Thus, the commitment of low risk youth appears to be counterproductive.

Youth of color continue to be overrepresented, particularly in the “deep end” of Maine’s juvenile justice system (i.e., commitment).

Seventeen percent (17%) of youth leaving facilities in 2014 were youth of color—more than double their representation in Maine’s youth population at large. In 2014, youth of color made up 8% of Maine’s youth population and 13% of the discharged youth from DOC supervision.

⁷ Dumont, R. (2016). 2016 Juvenile Recidivism Report. Retrieved from http://muskie.usm.maine.edu/justiceresearch/Publications/Juvenile/2016_Juvenile_Recidivism_Report.pdf

About the Muskie School of Public Service

The Muskie School of Public Service is Maine's distinguished public policy school, combining an extensive applied research and technical assistance portfolio with rigorous undergraduate and graduate degree programs in geography-anthropology; policy, planning, and management (MPPM); and public health (MPH). The school is nationally recognized for applying innovative knowledge to critical issues in the fields of sustainable development and health and human service policy and management, and is home to the Cutler Institute for Health and Social Policy.

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About the Maine Statistical Analysis Center

The Maine Statistical Analysis Center (SAC) informs policy development and improvement of practice in Maine's criminal and juvenile justice systems. A partnership between the University of Southern Maine Muskie School of Public Service and the Maine Department of Corrections, SAC collaborates with numerous community-based and governmental agencies. SAC conducts applied research, evaluates programs and new initiatives, and provides technical assistance, consultation and organizational development services. The Maine Statistical Analysis Center is funded by the Bureau of Justice Statistics and supported by the Justice Research Statistics Association.

<http://muskie.usm.maine.edu/justiceresearch/>

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