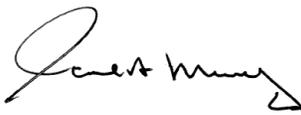


POLICY TITLE: NOTIFICATION OF DETAINED DEFENDANTS OF NO-CONTACT		PAGE 1 of 3
POLICY NUMBER: 10.1		
CHAPTER 10: SECURITY, CONTROL, AND OPERATIONS		
 State of Maine Board of Corrections Approved by Chair: 		PROFESSIONAL STANDARDS:
EFFECTIVE DATE: July 1, 2014	LATEST REVISION: New Policy - May 20, 2014	CHECK ONLY IF APA []

I. AUTHORITY

The Board of Corrections adopts this policy as directed pursuant to Public Law 2013 chapter 478 section 8 (effective March 16, 2014).

II. APPLICABILITY

This policy applies to all correctional facilities within the coordinated correctional system of Maine.

III. POLICY

Defendants detained at a county jail or other correctional facility after being arrested for an offense specified in 15 M.R.S. §1023(4)(B-1), and prior to the setting of preconviction bail by a justice or judge, shall be notified that it is a crime to make direct or indirect contact with a victim who is a member of the defendant’s family or household

IV. CONTENTS

Procedure A: Notification of a Detained Defendant

V. PROCEDURES

Procedure A: Notification of a Detained Defendant

1. Each correctional facility within the coordinated correctional system shall, upon admitting a defendant to the facility, ascertain whether the defendant was arrested for an offense specified in 15 M.R.S. § 1023(4)(B-1).
2. Upon identifying a defendant who has been arrested for an offense specified in 15 M.R.S. § 1023(4)(B-1), the correctional facility staff shall take the following actions:
 - a. Ascertain the identity of the alleged victim or victims of the alleged offense or offenses; and
 - b. Provide the defendant with written notification (Attachment #1) that the defendant must not to make direct or indirect contact with the alleged victim of the offense or offenses for which the defendant is being detained and that any such contact would constitute a criminal offense specified in 15 M.R.S. § 1094-B.
3. The contents of the written notification provided to the defendant pursuant to V.2.b. above shall include the following;
 - a. Specific identification of the alleged victim or victims that are not to be contacted;
 - b. The date and time that the written notification was provided to the defendant;
 - c. A signature line for the defendant to sign indicating that he or she was provided an opportunity to review the statement;
 - d. A signature line for the facility staff person who provided the notification to sign certifying that he/she provided the notice to the defendant at the time and date noted on the form and whether or not the notice was read to the defendant; and
 - e. In the event that the defendant does not sign the form, a signature line for the facility staff person who provided the notification to sign certifying that the defendant refused to sign the receipt of notice.
4. The correctional facility shall retain the signed written notification with the records of the inmate.
5. Each correctional facility within the coordinated correctional system will develop, implement, and maintain a policy for identifying defendants arrested for an offense specified in 15 M.R.S. § 1023(4)(B-1) and providing the required notice as described in section V.1-4 above. The facility may include the requirements of this policy in an already existing facility policy, if applicable.
6. At a minimum, the facility's new or revised policy must include:
 - a. The legal document(s) received at the time of inmate booking that is used to identify the criminal charge(s) against a defendant;
 - b. Written procedures for identifying and confirming the criminal charge(s) against a defendant during the booking process;

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 NOTIFICATION OF DETAINED DEFENDANTS OF NO-CONTACT	10. SECURITY, CONTROL, AND OPERATIONS	Page 2 of 3

- c. Written procedures for identifying a defendant arrested for an offense specified in 15 M.R.S. §1023 (4)(B-1), including procedures for identifying the victim and victim’s relationship to the defendant;
 - d. Written procedures for providing immediate, written notification during the booking process to the identified defendant upon confirmation of the criminal charges and victim(s),
 - e. Written procedures for establishing an on-going record of all such notifications; and
 - f. Written procedures for the continual preservation of records demonstrating all notifications related to 15 M.R.S §1023 (4)(B-1).
7. As required in SBOC policy 1.0 *Developing, Implementing, Maintaining and Revising Maine Board of Corrections Uniform Policies and Procedures*, the facility administrator shall certify to the SBOC, through its executive director, the implementation and maintenance of this policy’s requirements. Certification shall be submitted to the SBOC within thirty (30) days of this policy’s effective date, and annually thereafter as required in SBOC policy 1.0.

VI. ATTACHMENTS

- Attachment 1: Improper Contact Notice
- Attachment 2: Policy Certification Form

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 NOTIFICATION OF DETAINED DEFENDANTS OF NO-CONTACT	10. SECURITY, CONTROL, AND OPERATIONS	Page 3 of 3