

<b>POLICY TITLE: IN-CUSTODY TRANSPORT</b>	<b>PAGE 1 OF 5</b>	
<b>POLICY NUMBER: 9.18 (JCC)</b>		
<b>CHAPTER: SUPERVISION AND CASE MANAGEMENT</b>		
 <p><b>STATE of MAINE DEPARTMENT of CORRECTIONS</b></p> <p>Approved by Commissioner:</p> 	<b>PROFESSIONAL STANDARDS: See Section VIII</b>	
<b>EFFECTIVE DATE:</b> October 10, 2016	<b>LATEST REVISION:</b> January 29, 2026	<b>CHECK ONLY IF APA [ ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

## II. APPLICABILITY

Juvenile Community Corrections

## III. POLICY

It is the policy of the Department of Corrections to provide the necessary level of supervision and control of juveniles who are in custody and being transported by Juvenile Community Corrections Officers.

## IV. DEFINITIONS

1. Juvenile Community Corrections Officer (JCCO) in charge – the JCCO who is designated to be in charge of the in-custody transport by the Regional Correctional Administrator, or designee, who has authorized the transport.
2. Supervised conditional release – any conditional release ordered by a Juvenile Community Corrections Officer (JCCO) or a conditional release ordered by a court in which the juvenile is required to abide by specific conditional release requirements under supervision by a JCCO, including a conditional release in which there is a requirement for the juvenile to check in with a JCCO.

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## **VI. ATTACHMENTS**

None

## **VII. PROCEDURES**

### **Procedure A: Authorization for In-Custody Transports**

1. A Juvenile Community Corrections Officer (JCCO) may not conduct an in-custody transport of a person who is not under the supervision or in the custody of the Department as a juvenile community corrections client or a resident of a juvenile facility. This includes that a JCCO may not conduct an in-custody transport of a juvenile who is on unsupervised conditional release.
2. A JCCO may not conduct an in-custody transport of a juvenile who:
  - a. has been arrested by a law enforcement officer for a juvenile crime;
  - b. has been arrested by a law enforcement officer for an adult crime;
  - c. has been arrested by a law enforcement officer on an arrest warrant;
  - d. is on supervised conditional release and has been arrested by a law enforcement officer for a technical violation of the conditional release but not at the request of the JCCO.
3. If authorized by the Regional Correctional Administrator (RCA), or designee, a JCCO may conduct an in-custody transport of a juvenile who:
  - a. has been arrested by the JCCO or by a law enforcement officer for a technical violation of probation, is being transported to a juvenile facility, and a law enforcement agency is unavailable to do the transport;
  - b. has been arrested by the JCCO or by a law enforcement officer at the request of the JCCO for a technical violation of supervised conditional release, is being transported to a juvenile facility, and a law enforcement agency is unavailable to do the transport;
  - c. has been arrested by the JCCO on an arrest warrant for failure to appear (or on an arrest warrant for a technical violation of conditional release or a technical violation of probation), is being transported to a juvenile facility, and a law enforcement agency is unavailable to do the transport;
  - d. is being returned to a juvenile facility from community reintegration; or
  - e. is being returned to a juvenile facility from a furlough or a community transition program (work release, education release or public service release).
4. If authorized by the RCA, or designee, JCCOs may conduct an in-custody transport of a juvenile who is being transported between Maine and another jurisdiction under the Interstate Compact for Juveniles (ICJ).
5. If authorized by the RCA, or designee, a JCCO may assist with a transport of a juvenile resident between the facility and an appointment in the community or for an activity in the community. The facility staff are in charge of the transport, and facility policies shall apply.

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## **Procedure B: Conducting In-Custody Transports**

1. Every in-custody transport shall be done by at least one JCCO and one other JCCO or a law enforcement officer from any criminal justice agency (including a probation officer or a Department facility law enforcement officer) or another Department employee trained in transports. No JCCO or other Department employee may conduct in-custody transports unless they have received appropriate training.
2. The JCCO in charge of an in-custody transport shall inquire about health care issues prior to transport and shall ensure any noted issues are provided to the receiving facility.
3. At least one of the individuals conducting any transport shall be of the same gender as the juvenile.
4. Only one juvenile may be transported at a time unless otherwise authorized by the RCA, or designee.
5. At least one of the individuals conducting the transport shall directly supervise the juvenile at all times and under no circumstances may the juvenile be left unattended.
6. The JCCO in charge shall determine appropriate places to use bathroom facilities and/or stops for meals when necessary and where appropriate safety and security precautions can be maintained.
7. In the event it becomes apparent that the juvenile requires immediate medical attention, the JCCO in charge shall ensure that emergency medical services (EMS) personnel are called and shall comply with the reasonable instructions of medical personnel.
8. A personal vehicle shall not be used for in-custody transport.
9. When an uncaged vehicle is being used, the juvenile shall be placed in the passenger side back seat and the other individual conducting the transport shall sit in the back seat directly behind the driver.
10. If there is a caged vehicle being used, the juvenile shall be placed in the back seat and the other individual conducting the transport shall sit in the front seat with the driver.
11. The JCCO in charge shall search or direct the search of the juvenile and the passenger compartment of the vehicle prior to the transport and after the transport, as well as when necessary during transport, to detect and confiscate any weapon, evidence, or contraband.
12. The JCCO in charge shall ensure that:
  - a. the seat belt is appropriately placed and fastened on the juvenile being transported; and
  - b. if the vehicle is equipped with child safety locks, they are engaged.
13. The driver shall obey all laws when transporting a juvenile, including, but not limited to, laws relating to red lights, stop signals, stop signs, speed limits, passing school buses, one-way streets, prohibited turns, tolls, and parking.

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14. The driver is not authorized to engage in any activities not related to the transport, including, but not limited to, stopping to assist other motorists or pedestrians or responding to accidents. In such circumstances, an individual conducting the transport is authorized to notify appropriate authorities, provided it does not interrupt the transport.
15. In the event of a motor vehicle accident during an in-custody transport, the JCCO in charge shall follow Department Policy 2.9, Use of State Vehicles and Personal Vehicles for Official State Business.

#### **Procedure C: Use of Restraints during In-Custody Transports**

1. Except as set out below, restraints consisting of handcuffs shall be used for the in-custody transport of a juvenile.
2. If available, Posey belts and leg restraints may be used if determined necessary by the Juvenile Community Corrections Officer (JCCO) in charge, except in the case of a juvenile known to be pregnant.
3. If a juvenile resident is being transported between a juvenile facility and an appointment in the community, Department Policies (JF) 9.15, Use of Mechanical Restraints and (JF) 9.17, Transport of Residents shall be followed with respect to the use of restraints. If a resident is known to be pregnant, Department Policy (JF) 13.19.1, Use of Mechanical Restraints on a Pregnant Resident shall be followed.
4. If a juvenile community corrections client who is known to be pregnant is being transported, the Regional Correctional Administrator (RCA), or designee, shall determine whether the juvenile is a substantial flight risk or there is another extraordinary circumstance that requires restraints to be used to ensure the safety and security of the client, the JCCO, or other persons, if applicable. Restraints shall not be used on the client unless the RCA has made that determination and in that case only handcuffs shall be used.
5. If a juvenile is being transported by plane, Procedure D.4. shall be followed.
6. Prior to transport, and as necessary during transport, the JCCO in charge shall ensure that all restraint equipment is properly applied to the juvenile and checked to prevent injuries and prevent compromises to safety and security.
7. Restraints may be temporarily removed or adjusted to accommodate medical procedures and use of bathroom facilities, providing safety and security can be maintained.
8. The juvenile shall not be restrained in such a way as to prevent the juvenile from being quickly removed from the transport vehicle.

#### **Procedure D: Special Considerations for In-Custody Transports**

1. If necessary, a Juvenile Community Corrections Officer (JCCO) or another Department employee conducting an in-custody transport is authorized to use a reasonable degree of force consistent with applicable Department policies.
2. When force is used during a transport, the JCCO in charge shall verbally report the use of force to the Regional Correctional Administrator, or designee, as soon as reasonably

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possible and shall otherwise follow Department Policy (JCC) 11.1.3, Use of Force Reporting and Review.

3. When warranted, the JCCO in charge shall request additional assistance from an appropriate law enforcement agency to complete the transport in a safe and secure manner.
4. For a transport involving plane travel, the JCCOs conducting the transport shall not bring a firearm, another weapon, or restraints into the airport or onto the airplane, unless prior authorization has been received from the airline and all applicable federal law requirements have been met. The JCCOs conducting the transport shall use the seating arrangement designated by the airline, provided it is not in an exit row.

## **VIII. PROFESSIONAL STANDARDS**

None

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