



<b>POLICY TITLE: PRE-ADJUDICATION FUNCTIONS</b>  <b>POLICY NUMBER: 9.3 (JCC)</b>  <b>CHAPTER 9: SUPERVISION AND CASE MANAGEMENT</b>		<b>PAGE <u>1</u> OF <u>17</u></b>
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> <b>September 3, 2008</b>	<b>LATEST REVISION:</b> <b>February 1, 2026</b>	<b>CHECK ONLY</b> <b>IF APA [    ]</b>

## I. AUTHORITY

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

## II. APPLICABILITY

Juvenile Community Corrections

## III. POLICY

Juvenile Community Corrections Officers (JCCOs) are responsible for performing all juvenile pre-adjudication functions in accordance with the provisions of Title 15 M.R.S.A. Part 6 (Maine Juvenile Code) and Title 34-A M.R.S.A Section 5602 using principles of effective correctional case management.

## IV. DEFINITIONS

1. Adult crime – with respect to an offense committed by a person under eighteen (18) years of age, an offense under Title 12 or Title 29-A M.R.S.A. not specifically included in the definition of a juvenile crime prior to September 24, 2025.
2. Emancipated juvenile – a juvenile who has reached the age of 18 (and does not have a legal guardian); is at least 16 years of age and married with their parent(s)' or legal guardian's permission; or is at least 16 years of age and has been emancipated by court order.
3. Juvenile means (for an offense allegedly committed prior to September 24, 2025) a person who had not attained 18 years of age at the time the person allegedly committed any juvenile crime.
4. Juvenile means (for an offense allegedly committed on or after September 24, 2025):
  - a. a person who had attained 11 years of age but had not attained 18 years of age at the time the person allegedly committed any juvenile crime other than a juvenile crime described below; or

- b. a person who had not attained 18 years of age at the time the person allegedly committed the juvenile crime of murder as provided in Title 17-A, section 201; felony murder as provided in Title 17-A, section 202; or manslaughter as provided in Title 17-A, section 203 or such a person had allegedly made a criminal attempt of any of those juvenile crimes as provided in Title 17-A, section 152.
- 5. Juvenile crime – an offense as defined in Title 15 M.R.S.A. Section 3103(1). This includes any offense under Title 12 or Title 29-A M.R.S.A. that occurred on or after September 24, 2025. This also includes willful refusal to pay a fine imposed by court order, including a fine for a civil violation, or willful failure to comply with the terms of any other court order if the refusal or failure occurred on or after September 24, 2025.
- 6. 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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## **VII. PROCEDURES**

### **Procedure A: Pre-Adjudication Functions, General**

1. The Associate Commissioner for Juvenile Services shall ensure that there are regularly assigned Juvenile Community Corrections Officers (JCCOs) to cover all geographic areas in the State during regular business hours.
2. For other than regular business hours, the Associate Commissioner for Juvenile Services shall ensure that there is available a duty JCCO to respond to detention and conditional release requests from law enforcement officers throughout the State when the regularly assigned JCCO is unavailable.
3. The JCCO shall inform law enforcement agencies in their assigned area that during other than regular business hours if the regularly assigned JCCO is unavailable, the law enforcement officer may contact the appropriate Department juvenile facility and ask to be put in contact with the duty JCCO if a law enforcement officer:
  - a. wishes to make a detention request;
  - b. wishes to make a request for a conditional release;
  - c. has arrested a juvenile on an out-of-state warrant; or
  - d. has a request pertaining to an out-of-state runaway.
4. The JCCO shall also inform law enforcement agencies in their assigned area that during other than regular business hours other requests should wait until the next regular business day.
5. Each JCCO shall track the schedules for the relevant Juvenile Court and participate in court proceedings, as necessary.
6. If the court orders a forensic examination or diagnostic evaluation pre-adjudication, the JCCO:
  - a. shall provide all pertinent information to the examiner or evaluator in accordance with Policy 8.1 (JCC) Confidentiality of Records; and
  - b. may request the court to release a copy of the examination report or diagnostic evaluation to the Department of Corrections.

### **Procedure B: Juveniles Arrested for Adult Crimes Committed Prior to September 24, 2025**

1. A Title 12 or Title 29-A offense (excluding a civil violation) committed by a person under 18 years of age prior to September 24, 2025, is an adult crime and shall be handled in accordance with this procedure, except for:
  - a. offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1-A, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223; and

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- b. the criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes.

An offense noted in paragraph a. or b., no matter when it was committed by a person under 18 years of age, is a juvenile crime and shall be handled under Procedure C. or D. as applicable.

2. Any Title 12 or Title 29-A offense (excluding a civil violation) committed by a person under 18 years of age on or after September 24, 2025, is a juvenile crime and shall be handled under Procedure C. or D. as applicable.
3. When a law enforcement officer notifies a Juvenile Community Corrections Officer (JCCO) that a person under 18 years of age has been arrested for an adult crime and that in the judgment of the law enforcement officer the person requires detention pending criminal court proceedings, the JCCO shall ensure that:
  - a. the person's alleged conduct fits within the definition of an adult crime under Title 12 or Title 29-A and is not one of the exceptions noted above;
  - b. the alleged conduct was committed before September 24, 2025; and
  - c. the person is under 18 years of age at the time of the detention request.
4. If any of these requirements is not met, the JCCO shall not order the person's detention for an adult crime and shall so inform the law enforcement officer. If these requirements are met, the JCCO shall determine whether to order the person's detention or whether to order the person's unconditional release.
5. The JCCO shall order detention only if the JCCO has been notified within two (2) hours after the person's arrest and only if it is necessary to meet one of the purposes of detention under the statute (note: it is not necessary for any of the criteria for detention under the statute to be met). The JCCO shall complete the Detention Screening Instrument (DSI) (Attachment A) and be guided by those results. The JCCO shall also complete the Detention Information Worksheet (Attachment B).
6. The Detention Information Worksheet and the Detention Screening Instrument shall be forwarded to the Regional Correctional Administrator, or designee, and copies placed in the person's case file. If the JCCO is the duty officer, they shall also forward copies to the person's assigned JCCO, who shall take any action appropriate.
7. If the JCCO orders a person under 18 years of age detained for an adult crime, the JCCO shall order it to take place in a Department of Corrections juvenile facility, unless there is available a Department approved temporary holding resource operated by the county in which the criminal court proceedings will be held.
8. If the JCCO orders the detention for an adult crime, the JCCO shall telephone the detention facility and provide all pertinent information. The JCCO shall notify their parent(s)/guardian/legal custodian (if the person is not emancipated) as soon as possible. The JCCO shall also notify the clerk of the adult court in which the criminal court proceedings will be held.

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9. If the JCCO does not order detention, the JCCO shall order the person's unconditional release. In no case may a person who is arrested for an adult crime be required to meet bail requirements or be placed on conditional release.
10. Other than making the decision whether to detain or unconditionally release the person and taking the necessary actions in connection with a detention decision, the JCCO shall not perform any functions with respect to a person who is arrested for an offense that is not a juvenile crime.

**Procedure C: Detentions, Juvenile Crimes**

1. When a law enforcement officer notifies a Juvenile Community Corrections Officer (JCCO) that a person has been arrested for an offense that is a juvenile crime and that in the judgment of the law enforcement officer the person requires detention pending juvenile court proceedings, the JCCO shall ensure that:
  - a. the person is a juvenile;
  - b. the juvenile's alleged conduct fits within the definition of a juvenile crime; and
  - c. the juvenile is not immune from arrest and prosecution pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law").
2. If any of these requirements is not met, the JCCO shall not order the person's detention for a juvenile crime and shall so inform the law enforcement officer. If these requirements are met, the JCCO shall determine whether to order the juvenile's detention or whether to order the juvenile's conditional or unconditional release.
3. In no case may a juvenile be detained for a juvenile crime as defined in Title 15, Section 3103 (1)(B) or (C) (possession of a usable amount of cannabis, use or possession of drug paraphernalia, illegal transportation of drugs by a minor, offenses involving intoxicating liquor, or offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087).
4. The JCCO shall order detention only if the JCCO has been notified within two (2) hours after the person's arrest and only if it is necessary to meet one of the purposes of and one of the criteria for detention under the statute. The JCCO shall complete the Detention Screening Instrument (DSI) (Attachment A) and be guided by those results. The JCCO shall also complete the Detention Information Worksheet (Attachment B).
5. The JCCO shall use all available means to gather relevant information regarding the facts of the alleged offense, the juvenile's circumstances, and available community resources to complete the DSI and the Detention Information Worksheet.
6. The JCCO shall make this determination in time so that if there is a detention placement, the placement can be made within twelve (12) hours after the arrest.
7. If emergency detention is necessary to prevent the juvenile from imminently inflicting bodily harm on self or others, the JCCO may order detention in a Department approved sight and sound separate juvenile section in the county jail for up to a total of six (6) hours after the juvenile's arrest.

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8. If the JCCO orders detention past the emergency detention period, the JCCO shall order it to take place in a Department of Corrections juvenile facility, unless there is available a Department approved temporary holding resource operated by the county in which the juvenile court proceedings will be held or, in Aroostook County or Washington County only, there is available a Department approved sight and sound separate juvenile section in the county jail and the juvenile will be receiving a detention hearing in juvenile court within twenty-four (24) hours after arrest, excluding Saturdays, Sundays, and legal holidays.
9. If the person has attained the age of 21 years, or has been convicted as an adult in another jurisdiction and has attained the age of 18 years, and if the JCCO orders detention, the JCCO shall order it to take place in the adult section of a county jail.
10. When a JCCO orders detention (or, in the case of a juvenile on community reintegration, a decision has been made to return the juvenile to a Department juvenile facility), they shall inform the law enforcement officer. They shall also inform the law enforcement officer of the need for an affidavit establishing probable cause to believe that the juvenile has committed the juvenile crime unless the juvenile:
  - a. has been arrested on a warrant;
  - b. is in violation of court-ordered conditional release;
  - c. is in violation of probation (Department policy (JCC) 9.10, Post-Adjudication Functions governs how to proceed when a juvenile on probation has been arrested for a new juvenile crime); or
  - d. is in violation of community reintegration (Department policy (JCC) 9.11, Community Reintegration governs how to proceed when a juvenile on community reintegration has been arrested for a new juvenile crime).
11. If applicable, the JCCO shall ensure that the law enforcement officer has made arrangements for the juvenile to be transported to the appropriate detention facility and has made arrangements for the juvenile to receive any necessary emergency health care treatment, including, but not limited to, medical care, mental health crisis care, and substance detoxification, prior to the transport to the detention facility.
12. When a JCCO determines detention is not appropriate (or, in the case of a juvenile on community reintegration, a decision has been made not to return the juvenile to a Department juvenile facility), they shall inform the law enforcement officer. If the law enforcement officer states an objection to the juvenile's release and requests a review by the prosecuting attorney, the JCCO shall notify the prosecuting attorney prior to the juvenile's release.
13. In the case of a juvenile arrested for a homicide (other than a vehicular homicide), if a JCCO determines detention is not appropriate (or, in the case of a juvenile on community reintegration, a decision has been made not to return the juvenile to a Department juvenile facility), prior to authorizing the juvenile's release, the JCCO shall contact the prosecuting attorney in the Attorney General's Office and determine if the prosecuting attorney agrees and, if not, shall order the juvenile's detention on the juvenile crime and record it as an override by the prosecuting attorney.

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14. If, after consultation with the JCCO, the prosecuting attorney orders detention on the juvenile crime, the JCCO shall make the detention placement within twelve (12) hours following the arrest and shall follow all requirements of this policy as if the detention had been ordered by the JCCO.
15. In all cases in which detention is ordered for a juvenile who is not emancipated, the JCCO shall ensure that a reasonable effort is made to notify the parent(s)/guardian/legal custodian of the detention and to inform the parent(s)/guardian/legal custodian of the date, time and location of the detention hearing.
16. The Detention Information Worksheet and the Detention Screening Instrument shall be forwarded to the Regional Correctional Administrator (RCA), or designee, and copies placed in the juvenile's case file. If the JCCO is the duty officer, after review by the RCA, or designee, they shall also forward copies to the juvenile's assigned JCCO, if different, who shall take any action appropriate.

**Procedure D: Conditional and Unconditional Releases, Juvenile Crimes**

1. When a law enforcement officer requests detention of a juvenile arrested for a juvenile crime but neither the Juvenile Community Corrections Officer (JCCO) nor the prosecuting attorney orders detention, the JCCO shall determine whether to order the juvenile's conditional release or whether to order the juvenile's unconditional release.
2. When a law enforcement officer notifies a JCCO that a person has committed a juvenile crime but that in the judgment of the law enforcement officer, while the person does not require detention pending juvenile court proceedings, they require a conditional release, the JCCO shall ensure that:
  - a. the person is a juvenile;
  - b. the juvenile's alleged conduct fits within the definition of a juvenile crime; and
  - c. the juvenile is not immune from arrest and prosecution pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law").
3. If any of these requirements is not met, the JCCO shall not order the person's conditional release or unconditional release for a juvenile crime and shall so inform the law enforcement officer. If these requirements are met, the JCCO shall determine whether to order the juvenile's detention in accordance with Procedure C. or whether to order the juvenile's conditional or unconditional release.
4. If detention is not ordered, the below procedures shall be followed.
5. The JCCO shall order the juvenile's unconditional release if the juvenile has not been arrested (except when the juvenile is alleged to have committed a sex offense for which a warrantless arrest is not allowed).
6. If the juvenile has been arrested or the juvenile is alleged to have committed a sex offense for which a warrantless arrest is not allowed, the JCCO shall order the juvenile's unconditional release if the JCCO has determined that no conditions are necessary to ensure the juvenile's appearance at any subsequent court hearing or to ensure the protection of the community or any member of the community, including the juvenile.

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7. If a parent/guardian/legal custodian or other responsible adult is not present, the JCCO may still order an unconditional release of a juvenile who is not emancipated provided that the juvenile can safely return home or to the custody of the responsible adult, the juvenile agrees to and is accepted by a shelter or residential placement, the juvenile is being transported for a mental health evaluation, or the Department of Health and Human Services has been notified of the situation and will make arrangements for the care and custody of the juvenile.
8. The JCCO may order the conditional release of a juvenile if the juvenile has been arrested and conditions are necessary to ensure the juvenile's appearance at any subsequent court hearing or to ensure the protection of the community or any member of the community, including the juvenile.
9. In the event that a juvenile is alleged to have committed a sex offense for which a warrantless arrest is not allowed, a conditional release may be ordered if conditions are necessary for one or more of the reasons set out above.
10. Any conditional release ordered by a JCCO shall be a supervised conditional release and shall include a condition that the juvenile appear in court when notified of a court date.
11. In no case may a juvenile be conditionally released for a juvenile crime as defined in Title 15, Section 3103(1)(B) or (C) (possession of a usable amount of cannabis, use or possession of drug paraphernalia, illegal transportation of drugs by a minor, offenses involving intoxicating liquor, or offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087).
12. In no case may a juvenile who is arrested for a juvenile crime be required to meet bail requirements.
13. Prior to a JCCO asking a juvenile to agree to a conditional release, the JCCO shall ensure the juvenile understands that agreeing to a conditional release is voluntary but that failure to agree might lead to an order for detention; the juvenile understands the conditions and the consequences of violating the conditions; and the juvenile understands the juvenile's right to have the imposed conditions reviewed by the Juvenile Court. If the juvenile is not emancipated, the JCCO shall also review and explain all of the above to the juvenile's parent/guardian/legal custodian or other responsible adult, if present.
14. A Consent to Conditional Release form (Attachment C) must be completed prior to the actual release. The form shall be signed by the issuing JCCO and the juvenile.
15. When the JCCO is not present at the release, the JCCO may request the law enforcement officer to fill out the conditional release form as dictated or may forward an already completed form to the law enforcement officer. In either case, the JCCO shall ensure the juvenile understands everything set out above by explaining it over the phone. The form shall be signed as described above, except that the law enforcement officer shall indicate the name of the issuing JCCO on the bottom of the form.
16. If a parent/guardian/legal custodian or other responsible adult is not present, the JCCO may still order a conditional release of a juvenile who is not emancipated provided either the juvenile can safely return home or to the custody of the responsible adult, the juvenile agrees to and is accepted by a shelter or residential placement, the juvenile is

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being transported for a mental health evaluation, or the Department of Health and Human Services has been notified of the situation.

17. If the JCCO who ordered the conditional release does not receive a written report from the law enforcement officer which establishes the jurisdiction of the Juvenile Court (i.e., shows that the person is a juvenile and the juvenile's alleged conduct fits within the definition of a juvenile crime, except for a juvenile crime under Title 15, Section 3103(1)(B) or (C), within fifteen (15) days of the release, excluding non-judicial days, the JCCO shall review the conditions imposed at the time of release. Following the review, the JCCO may lessen or eliminate the conditions.
18. If after a juvenile has been conditionally or unconditionally released, whether by the JCCO or the court, the JCCO becomes aware of a change in circumstances or new and significant information is discovered making the release no longer appropriate, the JCCO shall petition the court as set out in Procedure G or ask the prosecuting attorney to petition the court to review the order.
19. In the alternative, if after the JCCO has ordered an unconditional release, the JCCO subsequently acquires information making detention or conditional release necessary, the JCCO may provide that information to the law enforcement officer and ask the law enforcement officer to apply to the court for an arrest warrant. If the warrant is issued and the juvenile is arrested, the JCCO shall determine whether to order the juvenile's detention or whether to order the juvenile's conditional release in accordance with the requirements of this policy.
20. When a law enforcement officer notifies a JCCO that a juvenile has been arrested for a technical violation of conditional release (note: a technical violation of conditional release is not in and of itself a juvenile crime) and that in the judgment of the law enforcement officer the juvenile requires detention pending juvenile court proceedings, the JCCO shall ensure that:
  - a. the juvenile is on a conditional release and that the juvenile's alleged conduct constitutes a violation by, as necessary, checking the Department's resident and client records management system;
  - b. the violation was intentional or knowing; and
  - c. the juvenile is not immune from arrest, prosecution, or revocation pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law").
21. If any of these requirements is not met, the JCCO shall not order the juvenile's detention and shall so inform the law enforcement officer. If all these requirements are met, in making the decision whether to order detention for a technical violation, the JCCO shall follow the requirements of this policy, considering both the original juvenile crime and the conditional release violation and shall consider whether imposing different or additional conditions of release is appropriate.
22. In addition, if the JCCO orders detention for a technical violation and the conditions of release were not imposed by a court, the JCCO shall inform the law enforcement officer of the decision to detain and the need for an affidavit establishing probable cause to believe that the juvenile has committed the juvenile crime for which they were placed on conditional release.

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## **Procedure E: Probable Cause Determinations and Detention Hearings and Orders**

1. When a Juvenile Community Corrections Officer (JCCO) has ordered a juvenile to be detained (or, in the case of a juvenile on community reintegration, a decision has been made to return the juvenile to the facility), a determination that there is probable cause to believe that the juvenile has committed the juvenile crime must be made by a justice of the peace within forty-eight (48) hours after arrest, including Saturdays, Sundays and legal holidays, unless the juvenile:
  - a. has been arrested on a warrant;
  - b. is in violation of court-ordered conditional release;
  - c. is in violation of probation;
  - d. is in violation of community reintegration;
  - e. has been released from detention before the forty-eight (48) hours has elapsed; or
  - f. has had a detention hearing before the forty-eight (48) hours has elapsed.
2. The JCCO shall ensure arrangements are made for the law enforcement officer's probable cause affidavit to be provided to the appropriate detention facility and take any other steps appropriate to ensure the juvenile receives this probable cause determination, when applicable, within this time period.
3. Unless the juvenile has been released from detention as set out below (or is in violation of community reintegration), the JCCO ordering the detention shall file a Petition for Review of Detention of Juvenile and Order (court form) with the court. The JCCO shall notify the prosecuting attorney of the detention and petition to review detention.
4. The detention must be reviewed by the court within forty-eight (48) hours excluding Saturdays, Sundays and legal holidays, or within twenty-four (24) hours if the juvenile is being detained in the Aroostook County Jail or Washington County Jail (if approved for juvenile detention by the Department) or unless the JCCO has ordered the release of the juvenile from detention sooner.
5. The JCCO shall file the petition for review of detention as soon as practicable to ensure the review of detention occurs within this time period.
6. The JCCO who ordered the detention may order the unconditional or conditional release of the juvenile any time prior to the detention hearing if circumstances have changed or new and significant information is discovered making the detention no longer appropriate. If the juvenile is released, a petition for review of detention shall not be filed, or, if already filed, shall be withdrawn.
7. The JCCO who ordered the detention shall take any steps appropriate to ensure that the Juvenile Court holds a detention hearing for a juvenile who has not been released from detention within forty-eight (48) hours after the detention, excluding Saturdays, Sundays, and legal holidays.
8. If a juvenile is detained, in Aroostook County or Washington County only, in a Department approved sight and sound separate juvenile section in the county jail, the

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JCCO who ordered the detention shall take any steps appropriate to ensure that the Juvenile Court holds a detention hearing for a juvenile who has not been released from detention within twenty four (24) hours after the detention, excluding Saturdays, Sundays, and legal holidays.

9. The JCCO is responsible for presenting to the court the circumstances surrounding the detention and the basis for the detention decision. The JCCO is also responsible for ensuring the officer's full report or affidavit detailing the circumstances surrounding the arrest and offense charged is provided to the court. If necessary, the JCCO shall notify the prosecuting attorney's office of the existence of any relevant witnesses, documents, or other information pertinent to the detention decision to be made by the Juvenile Court.
10. If a court order for detention of a juvenile includes a "right to release," the JCCO shall take appropriate steps to have the juvenile released in accordance with the order. Unless a plan has already been developed consistent with the court order to return the juvenile to the community safely, the JCCO shall, as soon as practicable, convene a meeting with appropriate individuals to develop such a plan.
11. If a court order for detention of a juvenile does not include a "right to release," the JCCO shall convene a meeting as necessary with appropriate individuals to identify the juvenile's risks and needs and to determine whether a plan can be developed to return the juvenile to the community safely should the detention order be vacated.
12. If the prosecuting attorney has ordered a juvenile's detention, and after that order, the JCCO becomes aware of a change in circumstances or new and significant information is discovered making the detention no longer appropriate, and the detention hearing has not yet occurred, the JCCO shall ask the prosecuting attorney to order the juvenile's unconditional or conditional release.
13. If the prosecuting attorney has ordered a juvenile's detention, and after that, the JCCO becomes aware of a change in circumstances or new and significant information is discovered making the detention no longer appropriate, and the detention hearing has already occurred, the JCCO shall petition the court as set out in Procedure G or ask the prosecuting attorney to petition the court to review the order.
14. If after the court has ordered a juvenile's detention, the JCCO becomes aware of a change in circumstances or new and significant information is discovered making the detention no longer appropriate, the JCCO shall petition the court as set out in Procedure G or ask the prosecuting attorney to petition the court to review the order, unless the JCCO releases the juvenile in accordance with the terms of a "right to release" contained in the court order of detention.
15. Whenever a JCCO releases a juvenile from a court-ordered detention pursuant to a "right to release," it shall be done by completing a consent to conditional release with at least one condition being that the juvenile will appear at the next court hearing, and the JCCO shall, as soon as practicable, provide the court, the prosecuting attorney, and the defense attorney with a copy of the signed consent to conditional release.

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## **Procedure F: Preliminary Investigations and Resummonsing**

1. When a law enforcement officer notifies a Juvenile Community Corrections Officer (JCCO) that in the judgment of the law enforcement officer juvenile court proceedings should be commenced against a person, regardless of whether the law enforcement officer is also requesting a detention or conditional release, the JCCO shall ensure that:
  - a. the person is a juvenile;
  - b. the juvenile's alleged conduct fits within the definition of a juvenile crime; and
  - c. the juvenile is not immune from arrest and prosecution pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law").
2. If any of these requirements is not met, the JCCO shall not conduct a preliminary investigation and shall not choose an alternative as set out below and shall so inform the law enforcement officer.
3. If all of these requirements are met, and the law enforcement officer report has not already been received, the JCCO shall request the law enforcement to file a written report with the JCCO within twenty four (24) hours (excluding non-judicial days), stating the juvenile's name, date of birth, and address; name and address of the juvenile's parent(s)/guardian/legal custodian (if the juvenile is not emancipated); and the facts that led to the notification, including the offense that the juvenile is alleged to have committed. The date of receipt of this report shall be considered the date of referral to the JCCO.
4. Upon receipt of the law enforcement officer report, the JCCO shall ensure that all required information is entered into the Department's resident and client records management system. The JCCO, when reviewing the law enforcement officer's report, shall check for accuracy and ensure the alleged offense is a juvenile crime.
5. The JCCO may return the report to the law enforcement officer with a request for further information. Any report returned for that purpose shall not constitute a referral until sufficient information is received. In all such instances, the JCCO shall inform the Regional Correctional Administrator, or designee.
6. When a juvenile accused of having committed a juvenile crime is referred to a JCCO, the JCCO shall conduct a preliminary investigation to determine whether the interests of the juvenile or of the community require further action be taken, except for:
  - a. a juvenile crime being prosecuted by the Attorney General's Office;
  - b. a juvenile crime involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as described under Title 12, section 10701, subsection 1-A;
  - c. the juvenile crime of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive alcohol level, as described under Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes;
  - d. a juvenile crime that is part of the same case as one of the juvenile crimes listed above; or

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- e. a juvenile crime for which the prosecuting attorney has already filed a petition or has informed the JCCO that they will be filing a petition.
7. For a juvenile crime that is an exception, the JCCO shall not conduct a preliminary investigation but may request a meeting with the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) for the purposes of gathering information through the Social History Guide or otherwise and explaining the juvenile court process. If applicable, the JCCO shall forward a Petition Request to the prosecuting attorney and, if necessary, a copy of the law enforcement officer's report.
8. The JCCO shall, when possible, confer with the referring law enforcement officer and the victim to gather pertinent information, ascertain accurate damage estimates, if applicable, and determine their sentiment regarding the alleged offense and possible disposition.
9. The JCCO shall schedule a preliminary investigation interview using Notice of Preliminary Interview (Attachment D), within thirty (30) days of the referral date, with the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated), to gather information to assist in the decision making. Neither the juvenile nor their parent(s)/guardian/legal custodian is required to attend the preliminary investigation interview.
10. Along with sending the Notice of Preliminary Interview, the JCCO shall send the Social History Guide (Attachment E) for the juvenile and/or their parent(s)/guardian/legal custodian to complete.
11. When the juvenile is emancipated, the preliminary investigation interview shall be scheduled with the juvenile only, unless the juvenile requests the presence of another person who is not the victim and the JCCO determines that the person's presence would be helpful.
12. The JCCO shall request a petition to be filed using the Petition Request (Attachment F) without the necessity of completing a preliminary investigation if:
  - a. the juvenile or their parent(s)/guardian/legal custodian (if the juvenile is not emancipated), decline the opportunity for an interview and request a court hearing;
  - b. the juvenile and/or their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) could not be located for purposes of setting up an interview;
  - c. the juvenile does not admit participation in the alleged offense(s) during the course of the interview, unless the JCCO offers an option of no further action (NFA) with the prior approval of the prosecuting attorney;
  - d. the juvenile has other charges currently pending before the court as a result of a previous preliminary investigation and there is no substantial reason for a new preliminary investigation; or
  - e. the juvenile committed the alleged offense while at Department juvenile facility, unless the JCCO offers an option of no further action (NFA) with the prior approval of the facility Superintendent, or designee, and the prosecuting attorney.
13. During the preliminary investigation interview, the JCCO shall explain the intake process to the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated), provide the juvenile with a Written Notice of Rights (Attachment G) and a

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copy of Title 15, Section 3204, summarize the law enforcement officer report, and explain the options available for appropriate disposition of the case.

14. The JCCO shall not read the law enforcement officer's report or let the juvenile or anyone else present read the report. The JCCO shall provide only enough information from the report to adequately inform the juvenile of the allegations against them. The JCCO shall not reveal contact information relating to the victim or other juveniles, if any, alleged to have been involved in the commission of the juvenile crime. In addition, unless the victim has given permission for their name to be revealed, the JCCO shall not do so. Under no circumstances may the JCCO reveal any information about an informant, regardless of whether or not that informant is described in the report as a confidential informant.
15. The JCCO shall complete risk/needs screening and/or assessment if required by Department Policy 9.1 (JCC), Case Management.
16. On the basis of the preliminary investigation, the JCCO shall, within thirty (30) days of the referral if possible, choose one of the following alternatives:
  - a. decide that action requiring ongoing supervision is not required either in the interests of the public and/or the juvenile, i.e., decide on no further action (NFA). The JCCO also may refer the juvenile for services voluntarily accepted by the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated);
  - b. if the JCCO determines there is prima facie jurisdiction, make whatever informal adjustment (IA) that is practicable without a petition using the Consent to Informal Adjustment (Attachment H) and is agreed to by the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) after advising them of the juvenile's constitutional rights; or
  - c. if the JCCO determines the facts are sufficient for the filing of a petition, request a petition to be filed by using the Petition Request (Attachment F).
17. If the juvenile is on a conditional release ordered by a JCCO, and the JCCO conducting the preliminary investigation decides on an NFA or there is an agreed to IA, the conditional release shall be ended.
18. If, in accordance with any Department approved guidelines for diversion, the JCCO decides not to request a petition be filed with the court, the JCCO shall forward a Notice of Intent to Divert (Attachment I) to the prosecuting attorney, the referring law enforcement officer, the complainant, and the victim. The JCCO shall not forward a notice to an individual who is not a victim and has no other relationship to the conduct alleged except that they notified law enforcement.
19. The JCCO shall advise the referring law enforcement officer, the complainant, and the victim that they may submit their complaint to the prosecuting attorney for review. The JCCO shall also notify the juvenile and/or parent(s)/guardian/legal custodian (if the juvenile is not emancipated) of the intent to divert at least two (2) weeks prior to the date for which they have been summonsed, if applicable.
20. A JCCO shall not issue or serve an original summons for a pre-adjudication court proceeding.

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21. However, a JCCO, in consultation with the court and/or prosecuting attorney, as applicable, may resummons a juvenile, using a Juvenile Summons (Department of Public Safety form) if:
  - a. the juvenile or their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) cannot attend court on the original summons date;
  - b. the JCCO has not received the law enforcement officer's written report and is unable to conduct a required preliminary investigation at least two weeks prior to the date for which the juvenile was summonsed to appear in court;
  - c. the JCCO, defense attorney, or prosecuting attorney needs additional time to prepare for the court proceeding;
  - d. expediting the court proceeding would be beneficial to and is agreed to by the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated), the prosecuting attorney, and the defense attorney (if one has been appointed or retained);
  - e. the JCCO has revoked an informal adjustment and has filed a Petition Request (Attachment F); or
  - f. there is another reason for resummonsing for which the Regional Correctional Administrator, or designee, has given approval.
22. If the JCCO decides not to request a petition be filed with the court for a violation of Title 22, Section 2389(2) (illegal transport of drugs by a minor) or Title 28-A, Section 2052 (illegal transport of liquor by a minor), the JCCO shall inform the Secretary of State of the violation and provide to the Secretary of State a Waiver of Bureau of Motor Vehicles Hearing form (Attachment J) signed by the juvenile.
23. For a juvenile who has been issued a commercial driver's license or commercial learner's permit, if the JCCO decides not to request a petition be filed with the court for any Title 29-A violation, the JCCO shall inform the Secretary of State of the violation and provide to the Secretary of State a Waiver of Bureau of Motor Vehicles Hearing form (Attachment J) signed by the juvenile.

**Procedure G: Petition for Review of Order for Detention, Conditional Release, or Unconditional Release**

1. The Juvenile Community Corrections Officer (JCCO) may petition the court to review an order for detention, conditional release, or unconditional release, whether ordered by the JCCO, the prosecuting attorney, or the court, as applicable, by filing a Motion for Review of Order (Attachment K), at any time, if circumstances have changed or new and significant information has been discovered making the order no longer appropriate.
2. The JCCO shall provide a copy of the motion to the prosecuting attorney, the juvenile, and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated).

**Procedure H: Incentives**

1. Responses available to motivate progress while the juvenile is on informal adjustment or supervised conditional release after the preliminary investigation and recognize positive behavior changes include the positive reinforcements listed in the Incentives Options

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Table (Attachment L) and may be utilized when a juvenile has made noted positive behavior changes and/or has made progress toward meeting identified goals and/or complying with a case plan.

2. The purpose of the Incentives Options Table is to provide suggested incentives and does not preclude a Juvenile Community Corrections Officer (JCCO) from utilizing additional appropriate incentives.
3. Incentives may be utilized by a JCCO when a juvenile shows positive progress of any type, including minor to major accomplishments. Examples of such accomplishments include, but are not limited to, the following:
  - a. reporting to JCCO as directed;
  - b. negative drug or alcohol test;
  - c. seeking and/or maintaining an educational or vocational training program or employment;
  - d. progress toward meeting financial obligations (e.g., victim restitution, child support);
  - e. attending/actively participating in treatment or a required program;
  - f. participation in a restorative justice process and, if applicable, fulfillment of a repair agreement;
  - g. successful completion of treatment or a required program;
  - h. progress toward meeting other identified goals and/or complying with a case plan;
  - i. choosing positive situations and/or associates;
  - j. avoiding negative situations and/or associates;
  - k. absence of violations or “undesired behavior” for a specified period (e.g., one (1) week, one (1) month, etc.); and
  - l. successful completion of graduated sanction(s).
4. Any incentives utilized to motivate positive behavior change and/or the juvenile’s progress shall be documented as a note in the Department’s resident and client records management system and, if applicable, as an outcome note in the juvenile’s case plan.

#### **Procedure I:      Graduated Sanctions**

1. Responses available to address a violation or “undesired behavior” while the juvenile is on informal adjustment or supervised conditional release after the preliminary investigation include the graduated sanctions listed in the Graduated Sanctions Table (Attachment M). The Juvenile Community Corrections Officer (JCCO) shall select a graduated sanction by identifying the type of violation or “undesired behavior” from the table and selecting a sanction from the appropriate sanction level.
2. If no risk level has been assigned to the juvenile, then for the purpose of selecting a graduated sanction, all sanctions listed in the table are available.
3. For sanctions other than a verbal warning, revocation of informal adjustment, or recommendation for court action (e.g., amendment of conditions, detention, etc.), the JCCO shall develop, with the juvenile, an agreement using the Sanction Agreement

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(Attachment N) to address the violation or undesired behavior. The deadline for completion of a sanction shall not exceed thirty (30) days.

4. The JCCO shall document any sanction and the extent of the juvenile's compliance with the sanction as a case note in the Department's resident and client records management system and, if applicable, as an outcome note in the juvenile's case plan.
5. Should the juvenile fail to fully comply with a Sanction Agreement, the JCCO shall reinitiate the sanctioning process, taking into consideration the prior failure to comply.

**Procedure J:      Violations of Conditions of Informal Adjustment or Conditional Release**

1. If the Juvenile Community Corrections Officer (JCCO) observes, receives a report of, or otherwise discovers that a juvenile on informal adjustment has violated the informal adjustment, the JCCO may revoke the informal adjustment and file a Petition Request (Attachment F) provided the juvenile is not immune from arrest and prosecution pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law").
2. If the JCCO has been notified that a juvenile on supervised conditional release, whether imposed by the JCCO or the court, has violated a condition of that release, the JCCO may apply for an arrest warrant, request a law enforcement officer to arrest the juvenile, or arrest the juvenile as provided in Department Policy (JCC) 9.13, Arrest.
3. If the JCCO has been notified that a juvenile on unsupervised conditional release has violated a condition of that release, while the JCCO may not arrest the juvenile, the JCCO may request a law enforcement officer to arrest the juvenile as provided in Department Policy (JCC) 9.13, Arrest.
4. Prior to a JCCO requesting a law enforcement officer to arrest a juvenile or the JCCO arresting the juvenile for a violation of conditional release, the JCCO shall ensure that:
  - a. the juvenile is on a conditional release and that the juvenile's alleged conduct constitutes a violation by, as necessary, checking the Department's resident and client records management system;
  - b. the violation was intentional or knowing; and
  - c. the juvenile is not immune from arrest, prosecution, or revocation pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law").
5. If the juvenile is arrested for a violation of conditional release, whether or not it is supervised or unsupervised, the JCCO shall determine whether to release the juvenile, with or without imposing additional conditions of release, or whether to revoke release and order the juvenile detained and shall follow all applicable requirements of this policy if additional conditions of release are imposed or detention is ordered.

**VIII. PROFESSIONAL STANDARDS**

None

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