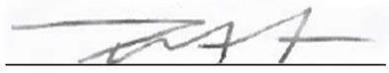


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POLICY NUMBER: 9.13 (JCC)		
CHAPTER 9: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS See Section VIII
	EFFECTIVE DATE: March 30, 2015	LATEST REVISION: March 25, 2026

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 that an arrest of a juvenile shall be in accordance with the law and only under limited circumstances as specified herein.

IV. DEFINITIONS

1. Arrest – a juvenile has been arrested if either it has been formally stated to them that they are under arrest or if they could reasonably believe from the circumstances that they are not free to leave.
2. Juvenile – a person who had not attained eighteen (18) years of age at the time the person allegedly committed a juvenile crime.
3. 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.

V. CONTENTS

- Procedure A: Arrest, General
- Procedure B: Arrest on Probable Cause
- Procedure C: Authority for Other Arrests

VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Arrest, General

1. The powers of a Juvenile Community Corrections Officer (JCCO) do not extend to the arrest of a person who is not under the supervision or in the custody of the Maine Department of Corrections as a juvenile community corrections client or a resident of a juvenile facility. A JCCO's power to arrest or request the arrest of a juvenile relates only to violations of conditions, except as otherwise set out in this policy.
2. The powers of a JCCO do not extend to arresting a juvenile who has escaped from the official custody of the Department, unless the JCCO was assisting with an in-custody transport or was otherwise supervising the resident at the time of the escape.
3. A JCCO who believes an arrest of a juvenile is warranted for a violation of conditions shall request a law enforcement officer from an appropriate other criminal justice agency to make the arrest. If the contacted law enforcement officer is not available or they refuse to make the arrest for any reason, the JCCO may attempt to contact another law enforcement officer to request they make the arrest. The reason for the arrest and any special circumstances shall be shared with the law enforcement officer contacted.
4. If a law enforcement officer from another criminal justice agency makes the arrest and the JCCO is present, the JCCO's involvement shall be limited to advising the juvenile of the fact of their arrest, the reasons therefore, and the subsequent expectations and requirements on the part of the juvenile, and, if the law enforcement officer making the arrest requests and/or the situation dictates, placing handcuffs on the juvenile.
5. In the event a use of force situation is initiated by a juvenile during an arrest, the JCCO's involvement may, if the law enforcement officer attempting to make the arrest requests and/or the situation dictates, extend to making the arrest and/or using force as allowed under applicable Department policies.
6. Except for an arrest allowed as set out in Procedure C, in any situation in which the JCCO believes an arrest is warranted for a violation of conditions, but no law enforcement officer from an appropriate other criminal justice agency will be making the arrest, the JCCO shall not make the arrest unless they obtain prior approval from the Regional Correctional Administrator, or designee.
7. If the approval to arrest has been given by a designee of the Regional Correctional Administrator, the designee shall notify the Regional Correctional Administrator as soon as practicable. The Regional Correctional Administrator shall notify the Associate Commissioner for Juvenile Services of every approval that has been given.
8. In the event a use of force situation is initiated by a juvenile or the JCCO unexpectedly encounters another potentially dangerous situation requiring an arrest, the JCCO may make an arrest on their own and without the prior approval of the Regional Correctional Administrator, or designee.
9. In this case and in addition to any report required by Department Policy (JCC) 11.1.3, Use of Force Reporting and Review, the JCCO shall immediately verbally report the arrest to the Regional Correctional Administrator, or designee, and follow that with a

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written incident report in the Department's resident and client records management system.

10. Whenever a JCCO makes an arrest, appropriate restraints shall be placed on the juvenile in accordance with applicable Department policy and the officer's training.
11. Whenever a JCCO makes an arrest, the JCCO shall conduct a search incident to arrest in accordance with applicable Department policy and the officer's training.

Procedure B: Arrest on Probable Cause

1. A Juvenile Community Corrections Officer (JCCO) may arrest or request a law enforcement officer from another criminal justice agency to arrest a juvenile without a warrant who is under supervision who the JCCO has probable cause to believe has violated a condition of the juvenile's supervised conditional release or probation if:
 - a. the JCCO believes that probable cause exists that the juvenile has committed a violation of the terms of supervision imposed by a JCCO or the juvenile court;
 - b. the juvenile would not be immune from arrest pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law"); and
 - c. there is a significant risk to the safety of others or the juvenile that cannot be managed through a noncustodial response or to ensure the appearance in future juvenile court proceedings of a juvenile who has failed to appear for a court proceeding.
2. If a juvenile is on unsupervised conditional release, a JCCO may not arrest the juvenile, but the JCCO may request a law enforcement officer from another criminal justice agency to arrest a juvenile if:
 - a. there is probable cause to believe that the juvenile has committed a violation of the terms of release imposed by the juvenile court;
 - b. the juvenile would not be immune from arrest pursuant to Title 17-A M.R.S.A. Section 1111-B ("Good Samaritan law"); and
 - c. there is a significant risk to the safety of others or the juvenile that cannot be managed through a noncustodial response or to ensure the appearance in future juvenile court proceedings of a juvenile who has failed to appear for a court proceeding.
3. A JCCO may arrest or request a law enforcement officer from another criminal justice agency to arrest a juvenile for whom a court has issued an arrest warrant for failure to appear if the failure to appear is a violation of supervised conditional release, probation, or community reintegration. Once the juvenile has been arrested, the JCCO shall notify the court that the warrant has been executed and whether the juvenile has been detained or conditionally released.
4. A JCCO may arrest a juvenile or request a law enforcement officer from another criminal justice agency to arrest for whom a court has issued an arrest warrant for any other violation of supervised conditional release, probation, or community reintegration. Once the juvenile has been arrested, the JCCO shall notify the court that the warrant has been executed and whether the juvenile has been detained or conditionally released.

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5. A JCCO may arrest or request a law enforcement officer from another criminal justice agency to arrest a juvenile who the JCCO has probable cause to believe has violated a condition of the juvenile's furlough, community transition program (work release, education release, or public service release), or community reintegration.
6. A JCCO may arrest or request a law enforcement officer from another criminal justice agency to arrest a juvenile for whom a court outside of Maine has issued an arrest warrant and who is currently in Maine under the JCCO's supervision, whether under the Interstate Compact for Juveniles (ICJ) or otherwise. Once the juvenile has been arrested, the JCCO shall notify the Regional Interstate Compact for Juveniles (ICJ) Designee, who shall notify the Maine ICJ Office to take the appropriate actions as set out in Department Policy (JCC) 9.2.1, Interstate Compact for Juveniles, Returns.
7. If a juvenile for whom a court outside of Maine has issued an arrest warrant is currently in Maine but not under a JCCO's supervision, a JCCO may not arrest the juvenile, but the JCCO may request a law enforcement officer from another criminal justice agency to arrest the juvenile. Once the juvenile has been arrested, the JCCO shall notify the Regional Interstate Compact for Juveniles (ICJ) Designee, who shall notify the Maine ICJ Office to take the appropriate actions as set out in Department Policy (JCC) 9.2.1, Interstate Compact for Juveniles, Returns.

Procedure C: Authority for Other Arrests

1. Upon request of the Commissioner, or designee, a Juvenile Community Corrections Officer (JCCO) shall arrest a juvenile who is on a furlough, a community transition program (work release, education release, or public service release), or community reintegration.
2. A JCCO may arrest a juvenile who refuses to submit to a search allowed by a condition of supervised conditional release, probation, furlough, a community transition program (work release, education release, or public service release), or community reintegration in order to conduct the search as set in Department Policy (JCC) 9.9, Search and Seizure.
3. The JCCO may make an arrest in order to conduct a search even if there is no significant risk to the safety of others or the juvenile.
4. If the JCCO might be ordering the detention of the juvenile or requesting permission to return the juvenile to the facility, as applicable, the JCCO shall follow the requirements of the relevant policy (i.e., Department Policy (JCC) 9.3, Pre-Adjudication Functions, 9.10, Post-Adjudication Functions, or 9.11, Community Reintegration, or Department Policy (JF) 20.1 Furlough Pass/Furlough Leave Program).
5. A JCCO may not arrest a juvenile who refuses to submit to a search allowed by a condition of informal adjustment in order to conduct the search.

VIII. PROFESSIONAL STANDARDS

None

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