
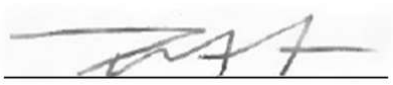


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POLICY NUMBER: 9.9 (JCC)		
CHAPTER 9: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: January 13, 2016	LATEST REVISION: April 27, 2026

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

A search and/or seizure by a Juvenile Community Corrections Officer shall be in accordance with the law.

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. Clothed body search (i.e., pat search) – a search in which no clothing is removed other than outerwear.
3. Electronics – an electronic data processing or data storage device, including, but not limited to, a desktop computer, laptop, tablet, wearable device, or a compact disk, flash drive, or external hard drive, or an electronic communication device, including, but not limited to, a cell phone.
4. Emancipated juvenile – a juvenile who has reached the age of 18 (and does not have a legal guardian); is at least 17 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.
5. Juvenile – a person who had not attained eighteen (18) years of age at the time the person allegedly committed a juvenile crime.
6. Unclothed body search – a search in which a resident removes all clothing, and their entire body is visually inspected.

V. CONTENTS

Procedure A: Search, General
Procedure B: Seizure
Procedure C: Documentation

VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Search

1. A Juvenile Community Corrections Officer (JCCO) may require a juvenile under the supervision or in the custody of the Department to submit to a search of their person, residence, vehicle, papers, and/or effects as allowed by the conditions of the juvenile's supervised conditional release, informal adjustment, probation, or release from a juvenile correctional facility to community reintegration.
2. If requested by the Superintendent, or designee, of a juvenile facility to check on a juvenile on a furlough or a community transition program (work release, education release, or public restitution), a JCCO may require the juvenile to submit to a search as allowed by the conditions of the juvenile's furlough or the community transition program.
3. A JCCO may require a juvenile to submit to a search of their electronics, only if such a search is specifically allowed by the conditions of the juvenile's supervised conditional release, informal adjustment, probation, or release from a juvenile correctional facility to community reintegration.
4. If a juvenile agrees to submit to a search allowed by a condition, the juvenile must be present while the search is conducted. Except for a juvenile on informal adjustment, if a juvenile refuses to submit to a search allowed by a condition, the JCCO shall consider whether conducting the search without the juvenile's cooperation is appropriate, or whether some other response without conducting the search would be sufficient (i.e., notifying the court of a violation of supervised release conditions, initiating probation revocation proceedings, or requesting permission to return the juvenile to the facility, as applicable).
5. Except for a juvenile on informal adjustment, if the JCCO decides to conduct the search without the juvenile's cooperation, the juvenile shall be arrested for a violation of the condition, and any other precautions necessary, including, but not limited to, removal of the juvenile from the vicinity, shall be taken prior to the search being conducted.
6. If the juvenile is on informal adjustment and does not agree to submit to the search, the JCCO shall not conduct the search without the juvenile's cooperation and shall not arrest the juvenile, but shall consider whether asking for a petition to be filed or some other response would be appropriate.
7. Whenever a JCCO makes an arrest, the juvenile arrested shall be pat searched for potential weapons and for any evidence relating to any violation of conditions. The pat search may include a visual inspection of the juvenile's mouth. At the time of the arrest,

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the area within the immediate reach of the juvenile arrested shall also be searched (search incident to arrest).

8. A JCCO may also conduct a search of the person, residence, vehicle, papers, effects, and electronics of a juvenile with the juvenile's consent, even if there is no condition requiring them to submit to the search, provided the consent is voluntary and the juvenile has the authority to give consent (e.g., the juvenile may consent to a search of their bedroom and of common living areas but not of another person's bedroom). If the search is of a residence, the juvenile or another person living in the residence must be present in the residence while the search is conducted. If the juvenile withdraws consent, the JCCO shall stop the search, unless it is permitted under another provision in this policy.
9. A JCCO may also conduct a search of the juvenile's residence, including the juvenile's bedroom, vehicle, papers, effects, and electronics with the consent of the juvenile's parent(s)/guardian/legal custodian if the juvenile is not emancipated, even if there is no condition requiring the juvenile to submit to the search. If such consent is given, then the person giving the consent or the juvenile must be present while the search is conducted.
10. The JCCO may also conduct a search of a juvenile's bedroom if the juvenile is living in a community placement but not with someone who is a guardian or legal custodian (e.g., a shelter) with the consent of the manager of the placement or the agency making the placement or an authorized agent of the manager or the agency, as appropriate, even if there is no condition requiring the juvenile to submit to the search.
11. If a juvenile is in possession of or uses an electronic device belonging to another party (e.g., a school laptop), the JCCO may conduct a search of that device with the consent of the owner or an authorized agent of the owner (e.g., the school principal).
12. A JCCO may also conduct a search as authorized by a warrant. A residence, vehicle, papers, effects, and/or electronics may be secured for the purpose of preventing the destruction of evidence pending the obtaining of a warrant. In the case of electronics, this may include using a signal blocking bag and/or turning on airplane mode.
13. A JCCO planning to conduct a search may request the assistance of law enforcement officers from other criminal justice agencies. A JCCO may also authorize law enforcement officers from other criminal justice agencies to conduct a search allowed by a condition of the person's supervision or release.
14. Except as set out below, a JCCO may conduct a search or authorize a search only for the purpose of determining a person's compliance with the conditions of the person's supervision or release.
15. A JCCO may pat search a juvenile at any time if there is reasonable suspicion that the person has a weapon or evidence relating to any violation of conditions of supervision or release on their person. The pat search may include a visual inspection of the person's mouth.
16. With the following exception, a JCCO's search powers do not extend to 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 person who is present during a search related to a juvenile under the supervision or in the custody of the

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Department may be pat searched, but only for a weapon and only if there is reasonable suspicion that the person has a weapon which might endanger personal safety. If the person does not consent to the pat search, they may be required to leave the vicinity.

17. Under no circumstance may a JCCO conduct or authorize an unclothed body search or body cavity search.
18. Every search shall be conducted with respect for privacy and property rights as limited by the need to protect personal and public safety.

Procedure B: Seizure

1. A Juvenile Community Corrections Officer (JCCO) may seize any item which is in plain view that there is probable cause to believe is evidence of a violation of a condition. If the item is a firearm, it shall be seized.
2. A JCCO may seize any item found during a search that there is probable cause to believe is evidence of a violation of a condition. If the item is a firearm, it shall be seized.
3. Any item which is seized as evidence of a violation shall be retained in a locked storage drawer or closet in a juvenile community corrections office or turned over to an appropriate law enforcement agency pending the resolution of any court proceedings or request for return to a juvenile facility, as applicable.
4. If the item is a firearm, it shall be turned over to an appropriate law enforcement agency pending a determination whether it is unlawful for the juvenile to possess and any subsequent court proceedings or request for return to a juvenile facility, as applicable.
5. If any item is found during a search that there is probable cause to believe is a weapon and the juvenile is being arrested, it shall be seized and turned over to an appropriate law enforcement agency pending a determination whether it is unlawful for the juvenile to possess and any subsequent court proceedings or request for return to a juvenile facility, as applicable.
6. If any item is found during a pat search of a person who is not under supervision or in the custody of the Department that there is probable cause to believe is a weapon or is unlawful for the person to possess (e.g., suspected cocaine, stolen property), it shall be seized and turned over to an appropriate law enforcement agency pending a determination whether it is unlawful for the person to possess and any subsequent court proceedings.
7. The JCCO shall take a photo(s) of any item seized.
8. If the item is retained in a juvenile community corrections office, it shall be destroyed if it was evidence of a violation or returned to the juvenile if it was not evidence of a violation, unless some other action would be more appropriate (e.g., the item is a family heirloom).

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Procedure C: Documentation

1. Whenever a search is conducted, the Juvenile Community Corrections Officer (JCCO) shall document the search in the Department's resident and client records management system. This documentation shall include:
 - a. the name of any JCCO who conducted, authorized, or was present during the search;
 - b. the name and/or description of any other person assisting with or present during the search;
 - c. the date, time, and place of the search;
 - d. the type and basis of the search (e.g., vehicle search pursuant to a condition of probation);
 - e. a description of any item seized, whether it was retained in a juvenile community corrections office or turned over to a law enforcement agency, and, if the latter, which agency;
 - f. photo(s) of any item seized; and
 - g. a description of any damage occurring during the search and how it occurred, regardless of whether the damage was done by a JCCO or someone else.
2. If an item is seized, it shall be handled in accordance with Department Policy (JCC) 9.17, Property/Evidence Management.

VIII. PROFESSIONAL STANDARDS

None

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