



<b>POLICY TITLE: SUPERVISED COMMUNITY CONFINEMENT</b>		<b>PAGE <u>1</u> of <u>21</u></b>
<b>POLICY NUMBER: 27.2</b>		
<b>CHAPTER 27: RELEASE PREPARATION</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>	<b>PROFESSIONAL STANDARDS:</b>
	<b>Approved by Commissioner:</b> 	<b>See Section VII</b>
<b>EFFECTIVE DATE:</b> <b>July 8, 1998</b>	<b>LATEST REVISION:</b> <b>December 1, 2017</b>	<b>CHECK ONLY IF</b> <b>APA [ X ]</b>

### I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 3036-A.

### II. APPLICABILITY

All Adult Correctional Facilities and Adult Community Corrections

### III. POLICY

The purpose of the Supervised Community Confinement Program is to provide a means of successful reentry of prisoners into the community. Prisoners transferred to supervised community confinement are still considered prisoners while in the program. The place of confinement is in the community, rather than in a correctional facility. Participation in this program is a privilege that may be afforded to prisoners who meet the established criteria.

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## VI. PROCEDURES:

### Procedure A: Supervised Community Confinement Program, General

1. All transfers to supervised community confinement are granted at the discretion of the Department of Corrections and are considered a privilege, not a right.
2. Supervised community confinement allows eligible prisoners to be transferred to an approved residence in the community for reentry purposes. An approved residence in the community may consist of:
  - a. a home;
  - b. a full-time treatment facility, such as a residential substance abuse treatment facility or mental health facility;
  - c. transitional housing that provides support services for targeted groups, e.g., veterans, domestic violence victims, persons with mental illness, persons with substance abuse problems, etc.;
  - d. temporary housing associated with academic or vocational training or employment; or
  - e. a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622.
3. A prisoner transferred to supervised community confinement must be involved in a program of work or education that is approved by the Commissioner, or designee, together with any treatment program that the Commissioner, or designee, might require. The Commissioner, or designee, may waive the requirement of involvement in a program of work or education while a prisoner is involved in an approved full-time treatment program.

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4. The Commissioner, or designee, shall be responsible for the overall administration of the Department's Supervised Community Confinement Program (SCCP), which shall include, but not be limited to, the following:
  - a. application and screening for eligibility;
  - b. approval or denial;
  - c. conditions for prisoners while on supervised community confinement;
  - d. notifications to the Department's Director of Victim Services and appropriate criminal justice agencies;
  - e. supervision of prisoners while on supervised community confinement;
  - f. documentation; and
  - g. a system for evaluating the Supervised Community Confinement Program's effectiveness.
  
5. The Chief Administrative Officer, or designee, of each adult facility from which prisoners may be transferred to supervised community confinement shall maintain a process that allows a prisoner who meets the eligibility criteria to apply to participate in the Supervised Community Confinement Program.
  
6. The Commissioner, or designee, may approve a transfer of a prisoner located in a facility that is not a Maine Department of Corrections facility through any process that the Commissioner, or designee, determines appropriate and may exempt the prisoner from meeting the one hundred twenty (120) day eligibility requirement. All decisions made pursuant to this provision are at the complete discretion of the Commissioner, or designee, and may not be appealed.
  
7. The Regional Correctional Administrator, or designee, of each adult community corrections region shall be responsible for the day-to-day management of the Supervised Community Confinement Program and supervision of prisoners while on supervised community confinement.
  
8. Except as specified below, a prisoner who violates a curfew, residence, time or travel condition or fails to return from supervised community confinement to the facility when directed to do so is an escapee. The probation officer shall notify the Regional Correctional Administrator, or designee, who shall immediately notify the Department's Fugitive Coordinator, or designee. The probation officer shall also refer this to the appropriate criminal justice agencies for arrest and prosecution for the crime of escape, and if applicable, for a revocation of probation or supervised release for sex offenders.
  
9. If a prisoner becomes ill or injured or another unforeseen emergency prevents the prisoner from abiding by a curfew, residence, time or travel condition, or returning to the facility when directed to do so, the prisoner shall notify the probation officer as soon as possible for instructions.

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## **Procedure B: Eligibility Requirements**

1. A prisoner may not be transferred to supervised community confinement unless the prisoner has no more than eighteen (18) months remaining on the term of imprisonment, or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, Section 1253.
2. If the Commissioner determines that the average statewide case load is no more than ninety (90) offenders to one probation officer, the Commissioner may allow a prisoner who meets all other eligibility requirements and who has no more than two (2) years remaining on the term of imprisonment, or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, Section 1253, to be transferred to supervised community confinement.
3. Each prisoner's case manager is responsible for checking CORIS periodically in order to be aware of when the prisoner is approaching eighteen months (or, if applicable, two years) prior to his or her earliest possible release date to review if the prisoner is eligible for supervised community confinement and, if so, meet with the prisoner to assist him or her with the application process.
4. If the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than five (5) years, a prisoner may not be transferred to the supervised community confinement program until the prisoner has served at least 2/3 of the term of imprisonment or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, Section 1253.
5. If the term of imprisonment or, in the case of a split sentence, the unsuspended portion is five (5) years or less, a prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, Section 1253.
6. A prisoner who is serving consecutive sentences is not eligible until the prisoner has served 2/3 or 1/2, as applicable, of the time to be served on the combined sentences, after consideration of any deductions that the prisoner has received and retained under Title 17-A, Section 1253.
7. A prisoner may not be transferred to supervised community confinement unless the prisoner:
  - a. has served at least one hundred twenty (120) days of the term of imprisonment in a departmental facility;
  - b. is classified community custody; and
  - c. has no unresolved detainers, warrants, or other legal holds pending.

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8. In addition to the above eligibility requirements, any prisoner who has been convicted as an adult with any sex offense may not be transferred to supervised community confinement unless the prisoner is within six (6) months of his or her current custody release date, and, if male, has completed the intensive phase of a Department residential sex offender treatment program or, if female, the prisoner has successfully participated in a Department sex offender treatment program for at least one (1) year.
9. In addition to the above eligibility requirements, any prisoner who has been formally charged but not convicted as an adult with any sex offense may not be transferred to supervised community confinement unless the prisoner is within six (6) months of his or her current custody release date, and, if male, has completed the intensive phase of a Department residential sex offender treatment program or, if female, the prisoner has successfully participated in a Department sex offender treatment program for at least one (1) year. The Department's Director of Classification may make an exception to the sex offender treatment program requirement and/or the requirement of being within six (6) months of current custody release date for a prisoner who has been formally charged but not convicted as an adult with a sex offense. If the prisoner has applied for supervised community confinement, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department's Director of Classification regarding a possible exception to these requirements.
10. A prisoner must not have been found guilty of an A or B disciplinary violation within ninety (90) days, a C disciplinary violation within sixty (60) days, or a D disciplinary violation within thirty (30) days of the prisoner's application to participate in the Supervised Community Confinement Program or anytime thereafter prior to the scheduled transfer to supervised community confinement and must not have a disciplinary matter pending at the time of application or scheduled transfer, unless an exception has been made by the Commissioner, or designee.
11. A prisoner who has lost the privilege to participate in any community based program as a result of an interim reclassification following a finding of guilt of a drug or alcohol violation shall not be eligible to apply for supervised community confinement for the time period specified at the reclassification, unless an exception has been made by the Commissioner, or designee.
12. No transfer to supervised community confinement may be granted if the prisoner is likely to have contact with a victim of the prisoner for domestic violence, unless a waiver has been granted by the Commissioner, or designee, for visits between them.
13. No transfer to supervised community confinement may be granted if the prisoner is likely to have contact with a victim of the prisoner for a sex offense or child abuse committed when the victim was a minor, unless a waiver has been granted by the Commissioner, or designee, for visits between them.

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### **Procedure C: Residence Requirements**

1. The prisoner's proposed residence while on supervised community confinement must be approved by the Regional Correctional Administrator, or designee.
2. If the residence is a home, it shall only be approved if any other adults living in the residence with the prisoner:
  - a. are aware of, and not opposed to, the prisoner's plan to participate in the Supervised Community Confinement Program;
  - b. agree that the home may be searched at any time; and
  - c. agree not to have firearms or other dangerous weapons, alcohol, illegal drugs or other illegal substances, or marijuana in the home.
3. Any other persons living in the residence:
  - a. must be at least eighteen (18) years old, unless an exception has been granted by the Regional Correctional Administrator, or designee;
  - b. may not be a departmental staff member, volunteer, or student intern;
  - c. may not be a person who is currently charged with murder or a Class A, B or C criminal offense;
  - d. may not be a person who is currently charged with a Class D or E criminal offense, unless an exception has been granted by the Regional Correctional Administrator, or designee;
  - e. may not be a former prisoner, unless an exception has been granted by the Chief Administrative Officer, or designee, and the Regional Correctional Administrator, or designee;
  - f. may not be a person under current supervision of the Department in the community, unless an exception has been granted by the Chief Administrative Officer, or designee, and the Regional Correctional Administrator, or designee;
  - g. may not be a victim of the prisoner for domestic violence, unless a waiver has been granted by the Commissioner, or designee, for visits between them; and
  - h. may not be a victim of the prisoner for a sex offense or child abuse committed when the victim was a minor, unless a waiver has been granted by the Commissioner, or designee, for visits between them.

### **Procedure D: Application and Approval Process**

1. A prisoner may apply for transfer to supervised community confinement when the prisoner has served one hundred twenty (120) days in a Department facility, is no more than three (3) months from meeting the other time eligibility requirements set out in Procedure B, and is no more than minimum custody.

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2. A prisoner who wishes to apply for transfer to supervised community confinement must submit to the facility's Community Programs Coordinator, or other designated staff, at least two (2) months in advance of his or her proposed date of transfer to supervised community confinement, the following:
  - a. Supervised Community Confinement Application (Attachment A);
  - b. Authorization for the Disclosure of Information for the Purpose of Investigation by the Department of Corrections (Attachment B); and
  - c. Authorization for Disclosure of Substance Abuse Information Acquired in Connection with the Provision of Substance Abuse Services by the Department of Corrections found in Department Policy (AF) 11.2, Confidentiality of Prisoner Information, (Attachment D).
  
3. If a prisoner is furlough eligible and a furlough investigation has been completed, the prisoner may be granted a furlough pass for the purpose of making tentative arrangements for housing, employment, education, or a treatment program for inclusion in the prisoner's Supervised Community Confinement Application. If a prisoner is furlough eligible but has not yet had a furlough investigation completed, the prisoner may be transported by facility staff for the purpose of making tentative arrangements for housing, employment, education or a treatment program.
  
4. The facility's Community Program Coordinator, or other designated staff, shall determine whether the supervised community confinement application has been submitted by the date required and the forms are complete. If not, any incomplete form shall be returned to the prisoner to submit the complete form in a timely manner.
  
5. The facility's Community Program Coordinator, or other designated staff, shall determine whether other persons living in the proposed residence are prohibited from visits with the prisoner.
  
6. The facility's Community Program Coordinator, or other designated staff, shall notify the facility classification staff of the application.
  
7. The facility's classification staff shall review the prisoner's administrative record to screen for eligibility and ensure an electronic records check is conducted for any outstanding detainers, warrants or other legal holds or requests for notification from a criminal justice agency. If there is a request for notification from a criminal justice agency, the facility classification staff shall notify the agency of the prisoner's possible transfer to supervised community confinement. The result of the records check and any response to a notification shall be entered into CORIS.
  
8. The facility's Community Program Coordinator, or other designated staff, shall determine if the prisoner is eligible for supervised community confinement, including that the prisoner will be time eligible as of the date of the proposed transfer to supervised community confinement date. If so, the facility's

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Community Program Coordinator, or other designated staff, shall refer the application to the Unit Management Team for review.

9. If the prisoner is not already classified community custody, a Department approved classification instrument shall be completed by the Unit Management Team to ensure that the prisoner is eligible for community custody.
10. The prisoner's Unit Management Team shall review the following in considering a prisoner for a transfer to supervised community confinement and an investigation and site review:
  - a. prisoner's institutional adjustment;
  - b. prisoner's compliance with his or her individualized case plan;
  - c. criminal history;
  - d. history of revocation while on supervision in the community or of violations of conditions of release (bail);
  - e. any previous violation of a community transition program or of the supervised community confinement program;
  - f. community risk assessment;
  - g. safety of the public and the prisoner;
  - h. behavior, conduct and social attitudes of the prisoner;
  - i. prisoner's work record;
  - j. prisoner's mental and emotional stability;
  - k. suitability of the proposed residence;
  - l. adequacy of the prisoner's plan for work/education/treatment; and
  - m. any other relevant factors.
11. If the Unit Management Team recommends that a prisoner be considered for transfer to supervised community confinement, then an investigation and site review shall be conducted. The facility's Community Program Coordinator, or other designated staff, shall forward the Request for Investigation for Transfer of Prisoner to Supervised Community Confinement (Attachment C) to the appropriate Regional Correctional Administrator, or designee, and shall document the recommendation in CORIS, including any special conditions recommended by the team.
12. Upon receipt of the Request for Investigation for Transfer of Prisoner to Supervised Community Confinement and the completed supervised community confinement packet, the Regional Correctional Administrator, or designee, shall ensure the community investigation and site review is completed within thirty (30) days, to include, at a minimum, all the information contained in the Supervised Community Confinement Investigation Format (Attachment D) listed below:
  - a. review of the police report for the current crime(s);

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- b. community sentiment investigation;
  - c. criminal background check of any other persons living in the proposed residence and of other persons with whom the prisoner is likely to have contact, if appropriate;
  - d. input from the primary law enforcement agency with jurisdiction over the place of residence;
  - e. necessary follow up to any victim impact statement;
  - f. the suitability of the proposed residence and other occupants (including, if applicable, a signed Agreement for Warrantless Searches, Attachment E), if any;
  - g. the employment, education or treatment program;
  - h. method of transportation;
  - i. interview with prisoner (in person or by phone);
  - j. need for additional conditions; and
  - k. recommendations.
13. At the time the supervised community confinement packet is forwarded for investigation and site review, the Community Program Coordinator, or other designated staff, shall notify the Department's Director of Victim Services and the Department's Director of Classification that there has been a request for investigation. The Department's Director of Victim Services shall ensure that any victim of any crime for which the prisoner has served, is serving or will be serving a sentence during the present period of incarceration is notified of the application of the prisoner for supervised community confinement. The victim shall be given the opportunity to submit a victim impact statement, including any objections to the prisoner being placed on supervised community confinement. Information received from the victim shall be forwarded to the Regional Correctional Administrator, or designee, for inclusion in the materials to be reviewed.
14. The Community Program Coordinator, or other designated staff, shall ensure that the Notification of Consideration for Prisoner Transfer to Supervised Community Confinement (Attachment F) is provided to appropriate law enforcement officials, to include the prosecuting attorney and the district attorney for the district of the proposed residence. The written notification(s) shall request that any objections to the prisoner being placed on supervised community confinement be made to the Chief Administrative Officer, or designee, of the facility where the prisoner is located. Any objections shall be reviewed and copies forwarded to the appropriate Regional Correctional Administrator, or designee.
15. Once the investigation and the site review form is completed, the Regional Correctional Administrator, or designee, shall ensure the information is entered into CORIS. The Regional Correctional Administrator, or designee, shall make a recommendation on whether to grant or deny transfer to supervised community

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confinement and shall forward the recommendation to the Community Program Coordinator, or other designated staff.

16. In the case of a prisoner not recommended for transfer to supervised community confinement, the Regional Correctional Administrator, or designee, shall discuss the recommendation with the Chief Administrative Officer, or designee, prior to forwarding the recommendation.
17. If the Regional Correctional Administrator, or designee, does not recommend transfer to supervised community confinement, the Community Program Coordinator, or other designated staff shall notify the prisoner.
18. If the Regional Correctional Administrator, or designee, recommends transfer to supervised community confinement, and if the prisoner still remains eligible for transfer to supervised community confinement, the Community Program Coordinator, or other designated staff, shall meet with the prisoner to review the Supervised Community Confinement Agreement (Attachment G) and obtain the prisoner's signature on both the original and a copy of the agreement and shall forward a copy of all completed documentation to the Chief Administrative Officer, or designee, for a decision.
19. If the decision of the Chief Administrative Officer, or designee, is to grant a transfer to supervised community confinement, the Chief Administrative Officer, or designee, shall document the approval on the application. All completed documentation shall be forwarded to the Department's Director of Classification, or designee, for review and approval or disapproval of the decision.
20. Specific information about input from prosecutors, law enforcement, victims and victim services shall not be disclosed to the prisoner under any circumstances. A prisoner may be told in general that community sentiment was "negative."
21. Approval for supervised community confinement shall be withdrawn for a prisoner who does not continue to meet all the eligibility criteria up to the time of departing the facility, unless an exception is made as set out in Procedure B. 10 or 11. If an exception is necessary in order for a prisoner to be transferred to supervised community confinement, the Chief Administrative Officer, or designee, shall contact the Commissioner, or designee, for a decision on the exception.
22. If a prisoner who has been approved for supervised community confinement is transferred to a less secure facility, the receiving facility may contact the Department's Director of Classification for permission to withdraw the approval pending a review by the Unit Management Team of the prisoner's adjustment to the receiving facility and any other pertinent factors. If permission is granted by the Director of Classification for a review by the Unit Management Team, the review shall take place within fourteen (14) days of the prisoner's transfer unless the Director of Classification specifies another time. After the review, the Unit Management Team shall recommend to the Chief Administrative Officer, or designee, whether to grant or deny the transfer to supervised community confinement. If the decision of the Chief Administrative Officer, or designee, is to

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deny the transfer, all documentation supporting that decision shall be forwarded to the Department's Director of Classification, or designee, for review and approval or disapproval of the decision.

23. If the prisoner is approved for transfer to supervised community confinement, the prisoner may be granted a furlough pass or furlough leave for the purpose of arranging housing, employment, education, or a treatment program in accordance with the approval. A furlough leave for the purpose of arranging employment, education, or a treatment program may be granted to the address approved for supervised community confinement, regardless of whether the prisoner has an approved furlough sponsor. The prisoner may receive furlough passes or furlough leaves as frequently as set forth in Department Policy (AF) 27.4, Furlough Pass/Furlough Leave Program.
24. If the prisoner is approved for transfer to supervised community confinement, and, if not already transferred to the supervised community confinement program, the prisoner may apply for participation in a community transition program (work release, education release, or public service release) when eligible and shall be given priority for placement in the program over prisoners who have not been approved for transfer to supervised community confinement.
25. Once a prisoner has been approved for supervised community confinement, the prisoner may not be transferred to a program that would delay the prisoner's transfer to supervised community confinement, unless approved by the Commissioner.
26. Approval for transfer to supervised community confinement may be withdrawn at any time for any reason at the complete discretion of the Commissioner, or designee.

**Procedure E: Documentation and Notification**

1. If the transfer to supervised community confinement is denied or approval is withdrawn, the Community Programs Coordinator, or other designated staff, shall notify the prisoner and document the notification in CORIS.
2. If the transfer to supervised community confinement is approved by the Department's Director of Classification, or designee, the Chief Administrative Officer, or designee, shall document the approval on the application. The Community Programs Coordinator, or other designated staff, shall make a copy of the Supervised Community Confinement Agreement (Attachment G) and forward both the original and a copy to the prisoner's Unit Manager.
3. If there are any special conditions for transfer to supervised community confinement, they shall be specified in the Supervised Community Confinement Agreement.
4. At least fourteen (14) days before the prisoner's transfer to supervised community confinement, the Community Programs Coordinator, or other designated staff,

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shall complete the Notification of Prisoner Transfer to Supervised Community Confinement, (Attachment H), and forward a copy of the notification to the Unit Manager, Central Control, facility classification staff, facility health care staff, the Department's Director of Classification, the Department's Director of Victim Services, the Regional Correctional Administrator, or designee, and the same criminal justice agencies that were initially notified of the application for transfer to supervised community confinement.

5. If a residential or transitional housing placement must be accepted sooner to prevent the bed space from being lost, and if, the Commissioner, or designee, after consultation with the Department's Director of Victim Services, or designee, approves a waiver of the fourteen (14) day requirement, the Regional Correctional Administrator, or designee, and appropriate criminal justice agencies shall be notified as soon as possible verbally of the transfer. This notice shall include, but not be limited to, the name of the prisoner, the address of the placement, and special conditions or unusual situation(s), if any.
6. The Community Programs Coordinator, or other designated staff, shall ensure that facility health care staff is notified to determine whether the prisoner needs to be provided any medication upon transfer to supervised community confinement. If the prisoner does need to be provided medication, the health care staff shall provide the medication to the prisoner and shall provide instructions for the taking of the medication. The prisoner shall only be provided medication for fourteen (14) days, unless otherwise authorized by the Commissioner, or designee.
7. No earlier than the day prior to the prisoner transferring to supervised community confinement, the Community Programs Coordinator, or other designated staff, shall check to ensure that the prisoner continues to meet all the eligibility criteria and shall initial the agreement indicating that the check has been made.
8. If the prisoner remains eligible, the Community Programs Coordinator, or other designated staff, shall issue to the prisoner an official Supervised Community Confinement Identification card, which the prisoner shall sign. A copy of the signed card shall be forwarded to the Regional Correctional Administrator, or designee.
9. If approval of the transfer to supervised community confinement is withdrawn or the transfer is delayed, the Community Programs Coordinator, or other designated staff, shall notify the Department's Director of Victims Services as soon as possible.
10. When the prisoner departs the facility for transfer to supervised community confinement, designated facility staff shall make an entry in CORIS to include the date and time of the prisoner's departure.
11. Once the prisoner is transferred to supervised community confinement, the facility classification staff shall be responsible for performing sentence calculations as if the prisoner were still at the facility.

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12. A copy of every supervised community confinement application, whether or not processed, and the Supervised Community Confinement Agreement, if applicable, shall be maintained in the prisoner's Case Management Record.
13. All decisions made with respect to a supervised community confinement application, whether or not processed, and all meetings with the prisoner required under this policy shall be documented in CORIS.

**Procedure F: Mandatory Conditions**

1. A prisoner approved for transfer to supervised community confinement is responsible for making arrangements for transportation to his or her community residence and any transportation necessary to meet the program's conditions.
2. The prisoner shall report in person to his or her supervising probation officer within the first twenty-four (24) hours of his or her transfer to the supervised community confinement program.
3. The prisoner shall be employed, actively involved in seeking employment and employed within forty-five (45) days, receiving disability benefits adequate for support, or otherwise in a program of work and/or education that is approved by the Commissioner, or designee, together with any treatment program(s) the Commissioner, or designee, might require. The Commissioner, or designee, may waive the requirement of involvement in a program of work or education while a prisoner is involved in an approved full-time treatment program.
4. If applying for disability benefits that will be a sufficient means for support, the prisoner shall have, while waiting to receive those benefits, the resources to maintain an adequate means of support for at least one hundred twenty (120) days.
5. The prisoner shall agree to be placed on electronic monitoring at any time and shall also agree to be responsible for all or part of the costs associated with electronic monitoring, when and to the extent the Regional Correctional Administrator, or designee, determines that the prisoner has the financial resources.
6. The prisoner shall live in a residence approved by the Commissioner, or designee.
7. There shall be no firearms or other dangerous weapons, alcohol, illegal drugs or other illegal substances, or marijuana in the approved residence.
8. The prisoner shall remain at the prisoner's approved residence except for those occasions that have been approved by the probation officer.
9. The prisoner shall be subject to travel or movement restrictions, set by the probation officer, limiting the prisoner's travel to times and places directly related

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to approved employment, education, treatment, or such other specific purposes as are approved in advance by the probation officer.

10. The prisoner shall not leave the State of Maine except for medical care outside the State of Maine if the Department's Director of Medical Care determines the care is necessary and unavailable within the State of Maine.
11. The prisoner shall submit to searches of the prisoner's person, residence, papers, effects, electronic data processing or data storage devices, including, but not limited to, computers, desktops, laptops, tablets, personal assistive devices (PDAs), or wearable devices, compact disks, and electronic communication devices, including, but not limited to, cell phones and pagers, at any time without a warrant and without probable cause, for items prohibited by law or by the conditions of supervised community confinement or otherwise subject to seizure, upon the request of the probation officer. The prisoner must provide the probation officer with all usernames and passwords/passcodes required to access the devices.
12. The probation officer may prohibit the prisoner from residing with anyone who does not consent to search of the residence to the extent necessary to search the prisoner's person, residence, papers, effects, and electronic devices.
13. The prisoner shall not possess or use firearms or other dangerous weapons, alcohol, illegal drugs or other illegal substances, or marijuana.
14. The prisoner shall submit to urinalysis, breath testing, or other chemical tests at the direction of the probation officer.
15. The prisoner shall not be in the presence of firearms or other dangerous weapons, alcohol, illegal drugs or other illegal substances, or marijuana.
16. The prisoner shall carry the Department's official Supervised Community Confinement Identification card at all times and show the card to any law enforcement officer that he or she comes in contact with. The prisoner shall notify the probation officer immediately of any such contact with any law enforcement officer.
17. The prisoner shall not violate any state or federal law or any other law.
18. When required by the Regional Correctional Administrator, or designee, and to the extent the Regional Correctional Administrator, or designee, determines that the prisoner has the financial resources, the prisoner shall pay all or part of the costs of the prisoner's participation in the supervised community confinement program.
19. The prisoner shall pay court-ordered restitution through Adult Community Corrections on a schedule determined by the Commissioner, or designee.

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20. The prisoner shall sign a waiver of extradition to the State of Maine from any other jurisdiction to answer any charge of escape or any violation of supervised community confinement conditions.
21. The prisoner shall be responsible for his or her own personal expenses, including health care costs. The prisoner shall inform the probation officer of any major illness, injury, or medical condition and any changes in prescribed medications while participating in this program.
22. The prisoner shall obtain permission from the probation officer prior to allowing any visitors to his or her place of residence.
23. The prisoner shall sign any release of information forms determined necessary by the probation officer.
24. The prisoner shall not own or be in the possession of any type of vehicle without the permission of the probation officer and, if permission is granted, the vehicle shall be fully insured and registered through the State of Maine's Bureau of Motor Vehicles with a valid State Inspection Sticker. The prisoner shall submit to searches of the vehicle at any time, without a warrant and without probable cause, for items prohibited by law or by the conditions of supervised community confinement or otherwise subject to seizure, upon the request of the probation officer. In addition, the prisoner must possess a valid State of Maine driver's license and shall operate only the aforementioned vehicle to destinations and at times approved by the probation officer.
25. For a prisoner who has been sentenced to a split sentence, the prisoner shall comply with all court-ordered conditions of probation while participating in the supervised community confinement program regardless of whether the period of probation has commenced.
26. For a prisoner who has been sentenced to supervised release for sex offenders, the prisoner shall comply with all court-ordered conditions of supervised release while participating in the supervised community confinement program even though the period of supervised release has not commenced.

**Procedure G: Additional Conditions**

1. Additional conditions of supervised community confinement may be imposed on a prisoner at any time either prior to or after the transfer to supervised community confinement, and may include, but not necessarily be limited to:
  - a. any condition that may be imposed as a condition of probation pursuant to Title 17-A, Section 1204; and
  - b. any condition that would be appropriate for the prisoner and the supervised community confinement program. The conditions imposed may be as stringent or restrictive as, but not more stringent or restrictive than, those that may be constitutionally imposed if the prisoner were actually in a maximum security facility.

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2. After a prisoner is transferred to supervised community confinement, either the probation officer or the prisoner may initiate, in writing, a request for the addition, modification, or removal of a condition(s), other than mandatory conditions.
3. The probation officer may temporarily add, modify, or remove a condition except that the probation officer may not modify or remove a mandatory condition as set out in Procedure F. The probation officer shall notify both the prisoner and the Regional Correctional Administrator, or designee, in writing, of the addition, modification, or removal of a condition(s). The prisoner shall sign the Notice of Change(s) in Condition(s) of Supervised Community Confinement Form (Attachment I), acknowledging his or her understanding that he or she must abide by the change temporarily imposed by the probation officer and his or her right to appeal its imposition within five (5) working days. A prisoner wishing to appeal shall submit the appeal, in writing, to the probation officer, who shall forward it to the Regional Correctional Administrator, or designee. If the change is approved, the Regional Correctional Administrator, or designee, shall sign the Notice of Change(s) in Condition(s) of Supervised Community Confinement Form and shall forward it to the probation officer, who shall forward a copy to the prisoner.
4. A prisoner may request clarification, removal, or modification of a condition, by applying in writing, to the probation officer, who shall forward the request to the Regional Correctional Administrator, or designee, for review. If the change is approved, the Regional Correctional Administrator, or designee, shall sign the Notice of Change(s) in Condition(s) of Supervised Community Confinement Form and shall forward it to the probation officer, who shall forward a copy to the prisoner.

**Procedure H: Supervision of Prisoners on Supervised Community Confinement**

1. Within the next business day after transfer of a prisoner to the supervised community confinement program, the probation officer shall have one (1) face-to-face contact with the prisoner.
2. Except as set out below, thereafter, the probation officer shall have no less than one (1) face-to-face contact with the prisoner on a weekly basis, with at least one (1) face-to-face contact required at the prisoner's residence every month.
3. If approved by the Regional Correctional Administrator, or designee, the minimum requirement for face-to-face contacts may be reduced, but to no less than one (1) face-to-face contact per month, with at least one (1) face-to-face contact required at the prisoner's residence every other month.
4. The probation officer shall also make at least one (1) collateral contact per month.

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5. Monitoring by a probation officer of a prisoner's compliance with the conditions of supervised community confinement may include, but is not limited to, the following:
  - a. personal contact with the prisoner at the prisoner's residence, place of employment, education, or treatment, or any other place;
  - b. direct inquiry of the prisoner's employer, school, treatment program, or any other person or entity;
  - c. criminal, court, and law enforcement agency investigations; and
  - d. credit and other financial inquiries.
  
6. If the probation officer observes, receives a report of, or otherwise discovers that the prisoner may have violated any condition(s) of supervised community confinement, or is failing to adjust to the program, the probation officer, to the extent appropriate, shall use graduated sanctions which may include, but are not limited to, those sanctions outlined below:

**Response Level I**

- Verbal warning or counseling by probation officer or Regional Correctional Manager
- Written warning
- Additional conditions
- Increase in drug/alcohol testing
- Community service work
- Referral for substance abuse treatment
- Referral for mental health counseling
- Referral for other treatment services, including up to forty-five (45) days residential placement, if eligible
- Increase in level of supervision
- Increase in reporting requirements

**Response Level II**

- Referral for intensive outpatient substance abuse treatment
- Referral for residential substance abuse placement
- Referral for mental health residential placement
- Day Reporting

**Response Level III**

- Electronic monitoring
- Confinement in a county jail for up to three (3) days, with the approval of the Regional Correctional Administrator, or designee
- Removal from supervised community confinement in accordance with Procedure J

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**Procedure I: Supervised Community Confinement for a Terminally Ill or Severely Incapacitated Prisoner**

1. The Commissioner, or designee, may permit a prisoner committed to the Department to be transferred from a correctional facility to supervised community confinement without meeting the above eligibility requirements if the Department's Director of Medical Care has determined that the prisoner has a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate.
  - a. The prisoner shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility, or a facility that is a licensed hospice program pursuant to Title 22, Section 8622, approved by the Commissioner, or designee.
  - b. As approved by the Commissioner, or designee, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, Chapter 1681, Subchapter I or other care services provided by an entity approved by the Commissioner, or designee, and subject to approval by the Commissioner, or designee, may live at home while receiving these services.
2. The Commissioner, or designee, may approve a transfer pursuant to this provision through any process that the Commissioner, or designee, determines appropriate and may exempt a prisoner transferred to supervised community confinement pursuant to this provision from any mandatory conditions under Procedure F that the Commissioner, or designee, determines to be inapplicable. All decisions made pursuant to this provision are at the complete discretion of the Commissioner, or designee, and these decisions may not be appealed.
3. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the Commissioner, or designee, at any time while the prisoner is on supervised community confinement. If the Commissioner, or designee, determines that the prisoner has failed to fully comply with a request or if at any time the Department's Director of Medical Care determines that the prisoner does not have a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the Commissioner, or designee, shall revoke the transfer to supervised community confinement. In addition, a prisoner transferred to supervised community confinement pursuant to this provision may be removed from supervised community confinement at any time for any reason at the complete discretion of the Commissioner, or designee, and this decision may not be appealed.

**Procedure J: Removal from Supervised Community Confinement**

1. A prisoner transferred to supervised community confinement shall be governed by the Supervised Community Confinement Agreement (Attachment G), including any special conditions.

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2. A prisoner's failure to follow any condition of the Supervised Community Confinement Program may result in removal from the program. It may also result in disciplinary action, revocation of probation or supervised release for sex offenders, and/or criminal prosecution.
3. If a probation officer observes, receives a report of, or otherwise discovers that the prisoner may have violated any condition(s) of supervised community confinement, or has failed to adjust to the program, and determines that removal from supervised community confinement and return to a Department facility might be appropriate, he or she shall immediately notify the Regional Correctional Administrator, or designee. The Regional Correctional Administrator, or designee, shall notify the Commissioner, or designee, to determine whether to remove the prisoner from supervised community confinement and return the prisoner to a Department facility and whether to arrest the prisoner and have him or her held in a county jail pending return to a Department facility. If the probation officer believes it is necessary to arrest the prisoner, based on probable cause that the prisoner has violated a condition of supervised community confinement, prior to notifying the Regional Correctional Administrator, or designee, the probation officer may do so.
4. If the prisoner is to be returned to a Department facility, then the Regional Correctional Administrator, or designee, shall notify the Department's Director of Classification, or designee. The Director of Classification, or designee, shall determine which Department facility the prisoner is to be returned to and notify that facility of the prisoner's name, status, location, and the name and telephone number of the probation officer. The receiving facility shall immediately contact the probation office providing him or her of the approximate time the facility's transport officers will arrive at the location where the prisoner is being held.
5. The probation officer shall ensure that the prisoner's records, including medical history and any medications or accessories for medical needs such as braces, crutches, etc., are properly prepared and ready for pickup by the transport officers, if possible.
6. The probation officer shall complete a written report stating the reasons for return. If the reason for return was a violation of the program's conditions, the probation officer shall forward the report to the facility Chief Administrative Officer, or designee, of the receiving facility, within two (2) working days of the prisoner's return to the facility, with a copy to the Regional Correctional Administrator, or designee, and the Department's Director of Classification. Facility staff receiving the report shall complete a disciplinary report to initiate the prisoner disciplinary process.
7. If a prisoner is returned to a Department facility, all applicable Department policies and procedures shall be followed, including disciplinary procedures and special management and other classification procedures.

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8. Regardless of whether a prisoner has failed to follow any condition of the Supervised Community Confinement Program, a prisoner may be removed from the supervised community confinement program at any time for any reason in the complete discretion of the Commissioner, or designee.

**Procedure K: Appeals of Denial of Transfer to or Removal from the Supervised Community Confinement Program**

1. A prisoner wishing to appeal denial of or withdrawal of approval for his or her transfer to the supervised community confinement program may submit the appeal to the Department's Director of Classification within five (5) working days of receiving the decision. The Department's Director of Classification is the final authority for this appeal (no further appeals are allowed).
2. A prisoner wishing to appeal his or her removal from the supervised community confinement program, may submit the appeal to the Department's Director of Classification within five (5) working days of receiving the decision. The Department's Director of Classification is the final authority for this appeal (no further appeals are allowed).
3. The Department's Director of Classification shall make a decision on an appeal within thirty (30) days after receiving a timely prisoner appeal.
4. Upon review of the appeal, the Department's Director of Classification may:
  - a. approve the decision;
  - b. reverse the decision; or
  - c. modify the decision.
5. If the denial, withdrawal or removal was by the Commissioner, or designee (including a decision by the Department's Director of Classification to not make an exception under Procedure B.9), the appeal shall be submitted by the prisoner to that person and shall be decided by that person as the final authority for the appeal.
6. A copy of the appeal and the decision on the appeal shall be placed in the prisoner's Case Management Record.

**PROFESSIONAL STANDARDS**

**ACA:**

**ACI 4-4443** Temporary release programs should include but not be limited to the following:

- written operational procedures
- careful screening and selection procedures
- written rules of conduct and sanctions
- a system of supervision to minimize inmate abuse of program privileges
- a complete record keeping system
- a system for evaluating program effectiveness
- efforts to obtain community cooperation and support

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- ACI 4-4444** Written policy, procedure, and practice include graduated release through a systematic decrease in supervision and corresponding increase in inmate responsibility as part of the classification program.
- 4-ACRS-5A-14** Each offender should be given gradual increased responsibility in the community prior to release, dependent upon his or her ability to accept responsibility.
- 4-ACRS-5A-15** A report is prepared at the termination of program participation that reviews the offender's performance. A copy of the report is maintained in the offender's case record. The report shall include, at a minimum:
- A summary of the offender's program activities
  - Any unusual circumstances
  - Community resource references that affected the outcome of supervision
  - Objective assessment of the offender's program participation
- 4-ACRS-5A-16** Offenders have opportunities for involvement with family and participation in community activities before the final release.

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