
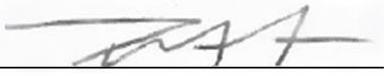


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POLICY NUMBER: 9.10		
CHAPTER: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: June 13, 2023	LATEST REVISION: August 31, 2023

I. AUTHORITY

The Commissioner of the Department 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 post-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. 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.
2. Indeterminate commitment – a disposition after an adjudication of a juvenile crime whereby the juvenile may remain in a juvenile facility “up to” a certain age, a certain date, or a certain period of time as set out in the court's order or may be discharged any time prior thereto at the discretion of the superintendent of the facility.
3. Juvenile – a person who had not attained eighteen (18) years of age at the time the person allegedly committed a juvenile crime.
4. Juvenile crime – an offense as defined in Title 15 M.R.S.A. Section 3103(1).
5. Specified period of confinement – a fixed period of confinement in a juvenile facility as set out in the court's order. For purposes of this policy, a specified period of confinement refers to a disposition after an adjudication of a juvenile crime.

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Attachment M:	Post-Disposition Report (paper/online)
Attachment N:	Periodic Review Report (paper/online)

VII. PROCEDURES

Procedure A: Court Related Responsibilities

1. Each Juvenile Community Corrections Officer (JCCO) shall track the schedules for the relevant Juvenile Court and participate in court proceedings, as necessary.
2. If requested by the court, the JCCO shall present information post-adjudication orally or in writing. If the court orders a social study, the JCCO shall conduct an investigation, complete a Social Study Report (Attachment A), and have it reviewed by the Regional Correctional Administrator, or designee, before submitting it to the court.
 - a. The primary purpose of the information or report is to provide the court with timely, relevant, accurate and comprehensive information that will inform the court in developing the most appropriate disposition for the juvenile. If probation is recommended by the JCCO, the recommendation shall include any special conditions, if appropriate.
 - b. The JCCO may also provide the court information on the juvenile's ability to pay restitution and fines.

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3. If the court orders a forensic evaluation post-adjudication, the JCCO:
 - a. shall provide all pertinent information to the evaluator in accordance with Policy 8.1 (JCC) Confidentiality of Records; and
 - b. may request the court to release the evaluation report to the Department of Corrections.
4. If there is a continuation of the dispositional hearing for a special program or other purposes, the JCCO shall:
 - a. ensure a referral is made to programs and services as ordered by the court;
 - b. request that the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) sign a release of information, consistent with the confidentiality policy, and notify the court if the juvenile and/or their parent(s)/guardian/legal custodian refuses;
 - c. monitor the juvenile's progress in the court-ordered program or service;
 - d. provide information on the juvenile's progress as requested by the court; and
 - e. supervise any conditions of release imposed by the court.
5. If the court commits a juvenile to a Department of Corrections juvenile facility for an indeterminate commitment or orders a period of probation (with or without a specified period of confinement to be served first), the JCCO may request the court to release a copy of pertinent reports to the receiving facility or to the JCCO. If the court imposes a specified period of confinement without probation, reports shall not be requested.

Procedure B: Probation Supervision

1. The Juvenile Community Corrections Officer (JCCO) shall review and explain the Judgment and Commitment and the probation conditions with the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated). If the juvenile no longer has a copy of the Judgment and Commitment and/or the Conditions of Probation, the JCCO shall provide one.
2. The juvenile shall be supervised by a JCCO for the period of probation ordered by the court.
3. The JCCO shall supervise each juvenile placed on probation in accordance with the Department Policy (JCC) 9.1, Case Management.
4. If the juvenile moves, either temporarily or permanently, to another geographic area, the supervising JCCO may request a transfer of supervision as set out in Department Policy 9.4 (JCC), Transfer of Juvenile Community Corrections Client Supervision.

Procedure C: Modification of Probation Conditions

1. The Juvenile Community Corrections Officer (JCCO) may petition the court to modify the probation conditions to add, delete or change condition(s) of probation by filing a Motion to Amend Conditions of Probation (Attachment B), if the juvenile's circumstances have changed or for other compelling reasons, e.g., services ordered are not available.

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2. The JCCO shall provide a copy of the motion to the prosecutor, the juvenile, and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated).
3. If the motion is granted by the court, as necessary, the JCCO shall review and explain the modified probation conditions with the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated). If the juvenile does not have a copy of the amended Conditions of Probation, the JCCO shall provide one.
4. The JCCO may make an ex parte motion to add probation conditions if all reasonable efforts have been made to give written or oral notice to the juvenile and the additional conditions are immediately necessary to protect the safety of an individual or the public. If the court grants the motion, any additional conditions do not take effect until written notice of the conditions, along with written notice of the scheduled date, time, and place when the court will hold a hearing on the added conditions, is given to the juvenile. The JCCO shall also provide a copy of and review and explain the added probation conditions with the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated).

Procedure D: Termination of Probation

1. Each Juvenile Community Corrections Officer (JCCO) shall review their probation cases, at least every three (3) months, to determine which cases are appropriate for early termination of probation.
2. In reviewing each case for appropriateness for early termination of probation, the JCCO shall determine whether the juvenile has not engaged in conduct prohibited by their conditions of probation and has satisfactorily fulfilled all of the proactive conditions of their probation and in the opinion of the JCCO continuation on probation would not benefit the community (including the victim, if any) or the juvenile.
3. When it is determined that early termination of probation is appropriate based on this review, the JCCO shall promptly file a motion with the court for early termination of probation. The JCCO shall consult with the prosecutor prior to initiating probation termination proceedings and shall consider the prosecutor’s input.
4. The JCCO shall complete and file a Motion for Termination of Probation form (Attachment C) with the court and provide a copy of the motion to the prosecutor, the juvenile, and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated).
5. Under no circumstances may a JCCO make a motion for or agree to early termination of probation if the juvenile has not paid the total amount of restitution owed.
6. When a Motion for Termination of Probation is granted by the court, the JCCO shall inform the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) that the juvenile’s period of probation is terminated.

Procedure E: Incentives

1. Responses available to motivate progress while the juvenile is on probation and recognize positive behavior changes include the positive reinforcements listed in the Incentives Options Table (Attachment D) and may be utilized when a juvenile has made

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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, fines, 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. The JCCO shall document any incentive utilized to motivate positive behavior change and the juvenile’s resulting progress as a case note in CORIS and, if applicable, as an outcome note in the juvenile’s case plan.

Procedure F: Graduated Sanctions

1. Responses available to address a violation or “undesired behavior” while the juvenile is on probation include the graduated sanctions listed in the Graduated Sanctions Table (Attachment E). 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. For sanctions other than a verbal warning, motion for revocation, or recommendation for court action (e.g., specified period of confinement, extension of period of probation, etc.) the JCCO shall develop, with the juvenile, an agreement using the Sanction Agreement (Attachment F) to address the violation or undesired behavior. The deadline for completion of a sanction shall not exceed thirty (30) days.

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3. The JCCO shall document any sanction and the extent of the juvenile's compliance with the sanction as a case note in CORIS and, if applicable, as an outcome note in the juvenile's case plan.
4. 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 G: Probation Revocation

1. If the Juvenile Community Corrections Officer (JCCO) has probable cause to believe that there has been a probation violation, the JCCO may initiate probation revocation proceedings, either by summons or arrest, to assure community safety or promote compliance with probation conditions. If time permits, the JCCO shall consult with the prosecutor prior to initiating probation revocation proceedings.
2. If it is determined to initiate proceedings by a summons, the JCCO shall deliver or cause the summons to be delivered to the juvenile and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) using a Probation Summons (Attachment G).
3. When a juvenile is summonsed, the JCCO shall consult with the prosecutor regarding the timing of the filing of a Motion for Probation Revocation (Attachment H), which must first be approved by the prosecutor, and whether an Affidavit (Attachment I) is required and when it should be filed.
4. If the juvenile cannot be located to serve the summons, after due diligence, the JCCO shall file a notice with the court that the juvenile cannot be located, along with an Affidavit, and request the court to issue a warrant for the juvenile's arrest. A Motion for Probation Revocation, which must first be approved by the prosecutor, shall be filed with the court at the time a warrant is requested.
5. If a law enforcement officer from another criminal justice agency has the probable cause, and a warrant for the juvenile's arrest is being requested, the JCCO shall request the officer to provide the JCCO with the basis for the probable cause, preferably in writing, and the JCCO shall include that in the JCCO's Affidavit.
6. The JCCO may arrest or cause the juvenile to be arrested in accordance with Department Policy (JCC) 9.13, Arrest.
7. If the juvenile has been arrested without a warrant by a law enforcement officer from another criminal justice agency, the JCCO shall request the officer to provide the JCCO with the basis for the probable cause, preferably in writing.
8. If a juvenile is arrested without a warrant, as soon as practical after the arrest, the JCCO shall file a Motion for Probation Revocation, which must first be approved by the prosecutor. The motion shall be filed within three (3) days, excluding weekends and holidays, of the arrest of the juvenile.
9. If requested by the prosecutor in connection with a warrantless arrest, the JCCO shall also complete an Affidavit setting out the reasons for the probable cause. The Affidavit shall be filed with the court at the time the motion is filed.

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10. After it is filed with the court, a copy of the summons, the written notice that the juvenile cannot be located, and/or the Affidavit, as applicable, shall be provided to the prosecutor.
11. After it is filed with the court, a copy of the motion, regardless of how the revocation proceedings have been initiated, shall be given to the prosecutor, the juvenile, and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated).
12. The running of the period of probation is tolled upon either the delivery of the summons, the filing of the written notice with the court that the juvenile cannot be located, or arrest of the juvenile. If the motion is dismissed or withdrawn, or if the court finds no violation of probation, the running of the period of probation is deemed not to have been tolled. The conditions of probation continue in effect during the tolled period of probation.
13. A juvenile who is alleged to have violated a condition of their probation shall not be ordered detained unless it is necessary to meet one of the purposes of detention under current Maine statute (note: it is not necessary for any of the criteria for detention under current Maine statute to be met). The JCCO shall complete the Detention Risk Assessment Instrument (RAI) (Attachment J) and be guided by those results. The JCCO shall also complete the Detention Information Worksheet (Attachment K).
14. The JCCO shall use all available means to gather relevant information regarding the facts of the alleged violation, the juvenile's circumstances, and available community resources to complete the RAI and the Detention Information Worksheet.
15. If the JCCO orders a juvenile detained for violation of probation, the JCCO shall telephone the detention facility and provide all pertinent information. The JCCO shall notify their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) as soon as possible.
16. The Detention Information Worksheet and the Detention Risk Assessment Instrument shall be forwarded to the Regional Correctional Administrator, or designee, and copies placed in the juvenile's case file. If the JCCO is the duty officer, they shall also forward copies to the juvenile's assigned JCCO, who shall take any action appropriate.
17. 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 prosecutor of the petition.
18. The detention must be reviewed by the court within forty-eight (48) hours excluding Saturdays, Sundays, and legal holidays, unless the JCCO has ordered the release of the juvenile from detention sooner. The JCCO shall file the petition as soon as practical to ensure the review of detention occurs within this time period.
19. If the JCCO determines that revocation proceedings are no longer necessary, the JCCO shall file a Motion to Withdraw the Motion for Probation Revocation (Attachment L) with the court detailing the reasons why the revocation is no longer necessary. The JCCO shall notify the prosecutor, the juvenile, and their parent(s)/guardian/legal custodian (if the juvenile is not emancipated) of the motion. If applicable, the JCCO shall also order the release of the juvenile from detention.

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20. If the court orders a hearing on the Motion for Probation Revocation, the JCCO shall submit to the prosecutor any documents or information relevant to establishing that the alleged violation occurred.
21. The JCCO shall appear at the hearing on the Motion to Revoke Probation with a recommendation for the final resolution of the case.
22. If probation is continued, the JCCO shall continue with their supervision.

Procedure H: Indeterminate Commitment or Specified Period of Confinement

1. If a court orders an indeterminate commitment or a specified period of confinement, whether as the initial disposition or as the result of a probation revocation, the Juvenile Community Corrections Officer (JCCO) is responsible for the following:
 - a. immediately notifying the receiving facility and ensuring the facility is provided the following documentation:
 - 1) police reports;
 - 2) social study report, if any; and
 - 3) court-ordered evaluations, if any; and
 - b. immediately notifying the juvenile’s parent(s)/guardian/legal custodian (if the juvenile is not emancipated) of the court’s decision if they are not present; and
 - c. for an indeterminate commitment, completing and submitting within five (5) business days a Post-Disposition Report (Attachment M) to the facility Director of Classification and Collateral Services and forwarding a copy to the Regional Correctional Administrator.
2. During an indeterminate commitment, the JCCO shall serve as primary case manager and participate in team meetings and classification reviews. In all cases, the JCCO shall continue to work with the juvenile’s parent(s)/guardian/legal custodian (if the juvenile is not emancipated).

Procedure I: Review of Disposition

1. All dispositions to the Department of Corrections must be reviewed periodically by the Department until the juvenile is discharged and a report of the review must be completed. For a juvenile on probation, a Periodic Review Report (Attachment N) shall be completed by their Juvenile Community Corrections Officer (JCCO) every twelve (12) months and forwarded to the Regional Correctional Administrator. The report shall be provided to the juvenile’s parent(s)/guardian/legal custodian (if the juvenile is not emancipated). The report shall include:
 - a. brief description of the services provided to the juvenile during the period preceding the review and the results of those services;
 - b. individualized case plan for the provision of services to the juvenile for the next period;
 - c. statement that the plan imposes the least restrictive alternative consistent with adequate care of the juvenile and protection of the community; and

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- d. certification that the services recommended are available and will be afforded to the juvenile.
2. For a juvenile on probation who is not living at home, if a court reviews its determination as to the need for the juvenile to continue to reside outside their home and asks for information about the juvenile's current treatment or placement, the JCCO shall provide that information, including, if requested, information demonstrating the reasonableness of the treatment or placement. This may be done by providing the court with the above-referenced report, updated as necessary, or if no report has been completed, by otherwise providing the court with requested information verbally or in writing, as the court orders.
 3. If a juvenile who was residing at home at the time of the court's order for a period of probation is later placed outside the home pursuant to a probation condition for what is likely to be more than 30 days, the JCCO shall notify the court as soon as practicable, so that it may make a determination as to the need for the juvenile to reside outside their home. If the juvenile returns home before the court makes its determination, the JCCO shall so notify the court as soon as practicable.
 4. If a court has made a determination as to the need for the juvenile to reside outside their home and the juvenile subsequently returns home, the JCCO shall so notify the court as soon as practicable.
 5. If a juvenile petitions the court for a judicial review of the order placing the juvenile on probation, the JCCO shall provide the court with the above-referenced report, updated as necessary, or, if no report has been completed, by otherwise providing the court with requested information verbally or in writing, as the court orders.
 6. If a JCCO determines that it is in the best interest of a juvenile on probation to have their disposition reviewed, the JCCO shall recommend to the Regional Correctional Administrator, or designee, that a petition for judicial review of the disposition be filed. If the RCA, or designee, agrees the request for a petition shall be forwarded to the Associate Commissioner for Juvenile Services for a decision.

VIII. PROFESSIONAL STANDARDS

None

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