
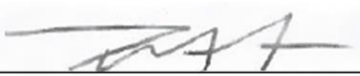


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POLICY NUMBER: 9.13 (JCC)		
CHAPTER 9: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS See Section VIII
	EFFECTIVE DATE: March 30, 2015	LATEST REVISION: April 25, 2024

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

None

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 of supervision or release, except as otherwise set out in Procedure C.

2. A JCCO who believes an arrest of a juvenile is warranted for a violation of conditions of supervision or release 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 shall attempt to contact another law enforcement officer to request they make the arrest. A pre-arrest briefing shall be conducted with all law enforcement officers who will be participating in the arrest.
3. 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.
4. 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.
5. Except as set out below, in any situation in which the JCCO believes an arrest is warranted for a violation of conditions of supervision or release, 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. 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.
6. 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.
7. 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 written incident report in CORIS.
8. 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.
9. Whenever a JCCO makes an arrest, the juvenile arrested shall be pat searched 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 the arrest of a juvenile who is under supervision who the JCCO has probable cause to believe has

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violated a condition of the juvenile's conditional release or probation, provided that the following criteria are met:

- 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; and
 - b. 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. A JCCO may arrest or request the arrest of a juvenile who has been conditionally released from a Department juvenile correctional facility 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 restitution), or community reintegration.

Procedure C: Authority for Other Arrests

1. Upon request of the Commissioner, or designee, a Juvenile Community Corrections Officer shall arrest a juvenile who has been conditionally released from a Department juvenile correctional facility to a furlough, a community transition program (work release, education release, or public restitution), or community reintegration.

VIII. PROFESSIONAL STANDARDS

None

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