
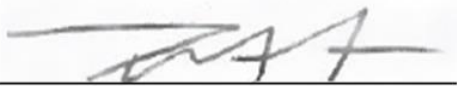


POLICY TITLE: CUSTODY LEVELS		PAGE 1 OF 6
POLICY NUMBER: 18.4		
CHAPTER 18: CLASSIFICATION		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: February 1, 2002	LATEST REVISION: January 3, 2023

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

It is the policy of the Department of Corrections that each juvenile resident be assigned a custody level in order to identify an appropriate level of supervision and ensure the safety of staff, residents, and others.

IV. DEFINITIONS

1. Direct supervision - when the staff providing supervision is monitoring a resident directly, e.g., staff is physically present in the housing unit and available to respond to a situation involving the resident immediately or the resident is in the view of staff while outside the housing unit.
2. Indirect supervision - when the staff providing supervision is not monitoring a resident directly but is monitoring a resident by other means, e.g., staff is in a post and is monitoring a housing unit through a video camera or the resident is in the vicinity of staff while outside the housing unit.
3. Juvenile community residential facility - housing outside the secure perimeter of Long Creek either on or off grounds in a Department employee supervised residential setting.
4. Off-grounds activity – activity in the community, other than work, education, or public service release, and usually consists of a recreational (e.g., basketball game), educational (e.g., museum trip), program (e.g., A.A. meeting), community

service (e.g., clean-up project), or transition (e.g. family outing or solo excursion into the community) activity. Such an activity may require a furlough pass.

5. Staff - for purposes of this policy, Department employee or a person in a juvenile facility providing services to a juvenile resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.
6. Security staff - for purposes of this policy, Juvenile Program Worker, Juvenile Program Specialist, Juvenile Facility Operations Supervisor, or correctional investigative officer (detective) or other facility law enforcement officer.

V. CONTENTS

- Procedure A: Determination of Custody Level
- Procedure B: Custody Level Reassessment
- Procedure C: Custody Levels

VI. ATTACHMENTS:

None

VII. PROCEDURES

Procedure A: Determination of Custody Level

1. A juvenile resident who is not serving an indeterminate commitment (e.g., has been detained pending court proceedings or is serving a “shock sentence,” period of confinement for an adult crime, or contempt sanction) shall be classified as high custody (until they are committed, if they are committed).
2. A newly committed juvenile resident shall be classified as high custody until their Classification Conference.
3. At the Classification Conference, the Classification Committee shall determine the resident’s custody level by using an integrated assessment process. This determination is subject to change only by the Superintendent, or designee, as set out in Department Policy (JF), 18.2, Classification Committee.

Procedure B: Custody Level Reassessment

1. A committed resident’s custody level may be subsequently changed upon the recommendation of the Unit Treatment Team and determination of the Classification Committee, based on a reassessment process. This determination is subject to change only by the Superintendent, or designee, as set out in Department Policy (JF), 18.2, Classification Committee.

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2. The Classification Committee shall reassess each committed juvenile resident's custody level at Quarterly Reviews, Phase Advancement Reviews, or whenever it is recommended by the resident's Unit Treatment Team.

Procedure C: Custody Levels

1. A juvenile resident shall be classified as either high, moderate, low, or community custody.
2. A high custody resident:
 - a. shall be housed:
 - 1) inside the secure perimeter of Long Creek; or
 - 2) in an on-grounds juvenile community residential facility if determined appropriate by the Commissioner, or designee.
 - b. if housed inside the secure perimeter of Long Creek, shall not be allowed to move throughout the housing unit without staff escort;
 - c. if housed outside the secure perimeter of Long Creek, shall be allowed to move throughout the housing unit without staff escort, unless otherwise determined by the Superintendent, or designee;
 - d. while in the housing unit shall be checked by security staff making visual contact with the resident at staggered intervals not to exceed fifteen (15) minutes;
 - e. shall be under direct supervision of staff at all times while outside the housing unit but still on facility grounds;
 - f. shall be secured in restraints (handcuffs and waist chains) on transports off facility grounds, except in unusual or special circumstances as determined by the Superintendent, or designee;
 - g. is not eligible for a furlough pass/furlough leave, except that a committed resident may be eligible for a special furlough pass/furlough leave in accordance with Department Policy (JF) 20.1, Furlough Pass/Furlough Leave Program;
 - h. is not eligible for work, education, or public service release; and
 - i. is not eligible to participate in an off-grounds activity, except that a committed resident may be approved by the Superintendent, or designee for such an activity if the resident is transported and supervised by at least one facility security staff or a juvenile community corrections officer.
3. A moderate custody resident:
 - a. shall be housed:
 - 1) inside the secure perimeter of Long Creek; or
 - 2) in an on-grounds juvenile community residential facility if determined appropriate by the Commissioner, or designee.

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- b. if housed inside the secure perimeter of Long Creek, shall not be allowed to move throughout the housing unit without staff escort;
 - c. if housed outside the secure perimeter of Long Creek, shall be allowed to move throughout the housing unit without staff escort;
 - d. while in the housing unit shall be checked by security staff making visual contact with the resident at staggered intervals not to exceed fifteen (15) minutes;
 - e. shall be under direct supervision of staff at all times while outside the housing unit but still on facility grounds;
 - f. shall not necessarily require restraints on transports outside the facility as determined by the Superintendent, or designee;
 - g. is eligible for furlough passes/furlough leaves if they meet the other requirements set out in Department Policy (JF) 20.1, Furlough Pass/Furlough Leave Program;
 - h. is eligible for work, education, or public service release if they meet the other eligibility requirements set out in the applicable departmental policy; and
 - i. is eligible to participate in an off-grounds activity if approved by the Superintendent, or designee, and the resident is transported and supervised by at least one facility security staff or a juvenile community corrections officer.
4. A low custody resident:
- a. shall be housed:
 - 1) inside the secure perimeter of Long Creek; or
 - 2) in an on or off-grounds juvenile community residential facility if determined appropriate by the Superintendent, or designee.
 - b. if housed inside the secure perimeter of Long Creek, shall be allowed to move throughout the housing unit without staff escort if in a housing unit with only low and community custody residents;
 - c. if housed outside the secure perimeter of Long Creek, shall be allowed to move throughout the housing unit without staff escort;
 - d. shall be checked by security staff making visual contact with the resident at staggered intervals not to exceed thirty (30) minutes if in a housing unit with only low and community custody residents;
 - e. shall be checked by security staff making visual contact with the resident at staggered intervals not to exceed (15) fifteen minutes while in a housing unit with high or moderate custody residents;
 - f. may be under the indirect supervision of staff or be unsupervised by staff while outside the housing unit but still on facility grounds, if determined appropriate by the Juvenile Program Manager, or designee;
 - g. shall not require restraints on transports outside the facility;

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- h. is eligible for furlough passes/furlough leaves if they meet the other requirements set out in Department Policy (JF) 20.1, Furlough Pass/Furlough Leave Program;
 - i. is eligible for work, education, or public service release if they meet the other eligibility requirements set out in applicable departmental policy; and
 - j. is eligible to participate in off-grounds activities if approved by the Juvenile Program Manager, or designee, and the resident is transported and supervised by at least one facility staff or juvenile community corrections officer or the resident is transported and supervised by an appropriately trained volunteer and the resident has a furlough pass permitting the activity as set out in Department Policy (JF) 20.1, Furlough Pass/Furlough Leave Program.
5. A community custody resident:
- a. shall be housed:
 - 1) in an on or off-grounds juvenile community residential facility; or
 - 2) inside the secure perimeter of Long Creek if determined appropriate by the Superintendent, or designee.
 - b. if housed in a juvenile community residential facility, shall be allowed to move throughout the housing unit without staff escort;
 - c. if housed inside the secure perimeter of Long Creek, shall be allowed to move throughout the housing unit without staff escort if in a housing unit with only low and community custody residents;
 - d. shall be checked by security staff making visual contact with the resident at staggered intervals not to exceed thirty (30) minutes while in a housing unit with only community custody and low custody residents;
 - e. shall be checked by security staff making visual contact with the resident at staggered intervals not to exceed (15) fifteen minutes while in a housing unit with high or moderate custody level residents;
 - f. may be under the indirect supervision of staff or be unsupervised by staff while outside the housing unit but still on facility grounds, if determined appropriate by the Juvenile Program Manager, or designee;
 - g. shall not require restraints on transports outside the facility;
 - h. is eligible for furlough passes/furlough leaves if they meet the other requirements set out in Department Policy (JF) 20.1, Furlough Pass/Furlough Leave Program;
 - i. is eligible for work, education, or public service release if they meet the other eligibility requirements set out in applicable departmental policy; and
 - j. is eligible to participate in supervised off-grounds activities on the same basis as a low custody resident or in an off-grounds activity unsupervised if approved by the Juvenile Program Manager, or designee, and the resident

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has a furlough pass permitting the activity as set out in Department Policy (JF) 20.1, Furlough Pass/Furlough Leave Program.

VIII. PROFESSIONAL STANDARDS:

None

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