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. CONTENTS

Procedure A: Arrest, General
Procedure B: Arrest on Probable Cause
Procedure C: Authority for Other Arrests

IV. 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.

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Arrest, General

1. A Juvenile Community Corrections Officer's powers 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. A Juvenile Community Corrections Officer's power to arrest or request the arrest of a person who is under the supervision or in the
custody of the Department of Corrections relates only to violations of conditions of supervision or release except as otherwise set out in Procedure C.

2. A Juvenile Community Corrections Officer who believes an arrest of a juvenile is warranted shall request the assistance of law enforcement officers from other criminal justice agencies. A pre-arrest briefing shall be conducted with all law enforcement officers from other criminal justice agencies who are participating in the arrest.

3. If law enforcement officers from other criminal justice agencies make the arrest and the Juvenile Community Corrections Officer is present, the Juvenile Community Corrections Officer’s involvement shall be limited to advising the arrestee of the fact of his or her arrest, the reasons therefore, and the subsequent expectations and requirements on the part of the arrestee, and, if the law enforcement officer making the arrest requests and/or the situation dictates, placing handcuffs on the arrestee.

4. In the event a use of force situation is initiated by a juvenile during the arrest, the Juvenile Community Corrections Officer’s involvement may, if the law enforcement officer attempting to make the arrest requests and/or the situation dictates, extend to making the arrest.

5. In circumstances in which the Juvenile Community Corrections Officer believes an arrest is warranted, but law enforcement officers from other agencies are not available, the Juvenile Community Corrections Officer shall obtain prior approval for executing the arrest from the Regional Correctional Administrator. If that person is unavailable, the Juvenile Community Corrections Officer shall obtain prior approval from another Juvenile Regional Correctional Administrator. 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, the Juvenile Community Corrections Officer may make an arrest without the assistance of law enforcement officers from other agencies and without the prior approval of the Regional Correctional Administrator.

7. In this case and in addition to any report required by Department Policy 11.1 (JCC), Use of Force, the Juvenile Community Corrections Officer shall immediately verbally report the arrest to the Regional Correctional Administrator, or designee, and follow-up with a written incident report in CORIS.

8. Whenever a Juvenile Community Corrections Officer makes an arrest, appropriate restraints shall be used in accordance with the officer’s training.

9. Whenever a Juvenile Community Corrections Officer makes an arrest, the juvenile arrested shall be pat searched in accordance with the officer’s training.
Procedure B: Arrest on Probable Cause

1. A Juvenile Community Corrections Officer may arrest a juvenile under supervision who the Juvenile Community Corrections Officer has probable cause to believe has violated a condition of the juvenile’s conditional release or probation, provided that the following criteria are met:
   a. the Juvenile Community Corrections Officer believes that probable cause exists that the juvenile has committed a violation of the terms of supervision imposed by the Juvenile Community Corrections Officer or the court; and
   b. there is a significant risk to safety of others or the juvenile that cannot be managed through a non-custodial response or to ensure the appearance in future court proceedings of a juvenile who has failed to appear for a court proceeding.

2. A Juvenile Community Corrections Officer may arrest a juvenile who has been conditionally released from a departmental correctional facility who the Juvenile Community Corrections Officer 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 departmental correctional facility to a furlough, to a community transition program (work release, education release, or public restitution), or is on community reintegration.

VII. PROFESSIONAL STANDARDS

ACA:

4-APPFS-3B-09 - A pre-arrest briefing is conducted prior to a planned arrest, with all officers and other law enforcement agencies participating in the action.

4-APPFS-2B-04 – Warrants for the arrest and detention of offenders are only requested upon adequate evidence of:
   - Serious and/or repetitive violation of the conditions; or
   - Commission of a new offense; or
   - Risk to public safety posed by the offender’s continued presence in the community.

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