I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Sections 1403, 3812, and 4114.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

Every juvenile released from the facility and/or discharged, shall be processed through a standardized process to ensure that the governing statutes are complied with.

IV. CONTENTS

Procedure A: Release and Discharge, General
Procedure B: Discharge Planning
Procedure C: Release and Discharge Process

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Release and Discharge, General

1. A resident may be released from a juvenile facility only if one of the following circumstances exists:
a. For a resident who has been committed to the facility for an indeterminate period, the resident has reached the end of the period of commitment as set out in the court’s Judgment and Commitment Order.

b. For a resident who has been committed to the facility for an indeterminate period, the Superintendent has determined that discharge is in the best interest of the resident or that the resident has benefited optimally from the services of the facility.

c. For a resident who has been committed to the facility for an indeterminate period and who has been approved for release to Community Reintegration, the resident has reached the scheduled release date.

d. For a resident who has been committed to the facility for a shock sentence, the resident has reached the release date calculated in accordance with Policy 22.5, Calculation of Resident Discharge Date/Shock Sentences.

e. For a resident who has been ordered to be held at the facility for a drug court sanction, the resident has reached the release date specified in the Drug Court Sanction Order.

f. For a resident who has been ordered detained by a court, the court has ordered the resident’s release from detention.

g. For a resident who has been ordered detained by an Administrative Hold Order, the Juvenile Community Corrections Officer or prosecuting attorney who issued the Hold Order has ordered the resident’s release from detention.

h. For a resident who is being detained on a Bench Warrant, the conditions for release set out in the warrant have been met.

i. For a resident who is being held for another jurisdiction, the other jurisdiction complies with the procedures governing the resident’s release.

2. All documents pertaining to the release shall be placed into the resident’s Master Administrative Record.

3. A resident may be discharged only if one of the following circumstances exists:

   a. For a resident who has been committed to the facility for an indeterminate period, the resident has reached the end of the period of commitment as set out in the court’s Judgment and Commitment Order.

   b. For a resident who has been committed to the facility for an indeterminate period and regardless of whether the resident is on Community Reintegration, the Superintendent has determined that discharge is in the best interest of the resident or that the resident has benefited optimally from the services of the facility.
4. For a resident on Community Reintegration, the anticipated discharge date set out in the Community Reintegration Agreement may be changed by the Superintendent, upon the request of the Juvenile Community Corrections Officer with the approval of the Regional Correctional Administrator. The reason for any change in the discharge date shall be provided to the juvenile in writing and noted in the Master Administrative Record.

5. Only the Superintendent may authorize the discharge of a resident.

6. All documents pertaining to the discharge shall be placed into the resident’s Master Administrative Record.

Procedure B: Discharge Planning

1. The Unit Treatment Team shall prepare a discharge plan for a resident who has been committed to the facility for an indeterminate period and who is to be discharged because he/she is about to reach the end of the period of commitment as set out in the court’s Judgment and Commitment Order.

2. This plan shall, at a minimum, include:
   a. The date and time of the scheduled discharge;
   b. The name and address of the person or agency the resident will be discharged to, if any;
   c. The transportation arrangements; and
   d. The place the resident will reside upon discharge.

3. Prior to discharge, the resident’s Unit Treatment Team shall meet with the resident and make reasonable efforts to make arrangements for the resident to receive in the community services or programs that the resident is willing to continue or needs assistance in obtaining.

4. To the extent possible, the resident shall be afforded reasonable opportunities to participate in interviews for employment, education, or vocational training, as appropriate.

Procedure C: Release and Discharge Process

1. The Juvenile Facility Operations Supervisor shall verify the legality of discharge documents and confirm the identity of the resident.

2. The Juvenile Program Manager, or designee, shall confirm appropriate transportation has been arranged and that the resident has identified a forwarding address. All correspondence addressed to a discharged juvenile shall be forwarded to the address indicated.
3. The Juvenile Program Manager, or designee, shall ensure that all pending detainers relating to the resident are resolved prior to the discharge. Any detainers discovered during the discharge process shall be reviewed by the Juvenile Community Corrections Officer to determine what action should be taken.

4. If the resident is being released to supervision by the Juvenile Community Corrections Officer and an appropriate authorization has been signed as set out in Department Juvenile Policy 22.2, Confidentiality of Resident Information, the Juvenile Program Manager, or designee, shall verify that facility health care staff has completed a Discharge Planning form, and the Juvenile Program Manager, or designee, shall forward a copy of the form to the Juvenile Community Corrections Officer;

5. If the resident is being discharged to the resident’s parents/legal guardian, the person accepting the resident must be identified by an appropriate government issued picture identification. A Custody Acceptance Discharge form must be signed by the individual accepting the resident.

6. If the discharge is to an agency, agency personnel must show both appropriate identification and verification of authority to receive the resident and must sign a Custody Acceptance Discharge form.

7. As part of the discharge process, the releasing staff person shall ensure that no facility property is in the resident's possession, and that the inventory of the resident’s personal property is signed indicating that he/she has received all personal property.

8. To the extent applicable, this same process shall be followed for all other residents being released from the facility or being transferred to another Departmental facility.

VII. PROFESSIONAL STANDARDS:

ACA:

4-JCF-3A-22 The release practices and criteria employed by the releasing authority in making decisions are explained to the juvenile and are available in written form. These practices are as follows:

1. Specific enough to permit consistent application to individual cases.

2. Juveniles have access to the information on which release decisions are based, except information that, in accordance with the authority's written policy, is specifically classified as confidential for good and sufficient reasons and is so designated.

3. Juveniles are given the reasons for deferral of release, and the decision is recorded in the case record.

4-JCF-3A-24 Juveniles can be released earlier than initially anticipated, according to law and in conformity with the authority’s previously established and written criteria.