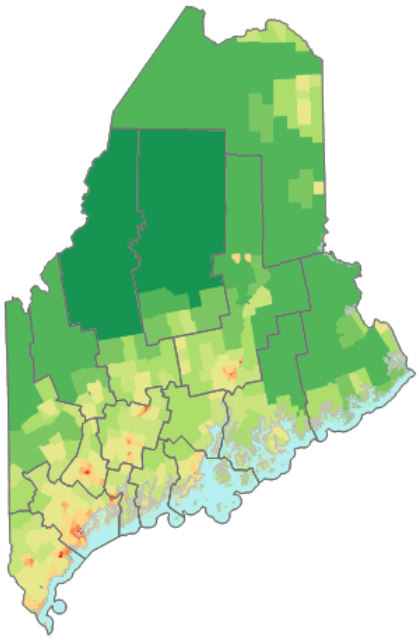
Maine
Compliance Monitoring
Policy and Procedure Manual



Department of Corrections
Division of Juvenile Services

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Policy Title:	STATE OF MAINE COMPLIANCE PLAN			Prepared and Authorized by:	Ryan Andersen
Policy Number:	1.0	Effective Date:	January, 2012	Review Date:	
Purpose:	To fulfill the Office of Juvenile Justice and Delinquency Prevention (OJJDP) requirement of providing a written plan explaining how the State Correctional Compliance Monitor (CCM) will ensure that applicable agencies maintain compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP Act) and Formula Grant Regulations.				
Reference(s):	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

The written plan for achieving agency compliance must include:

I. The definition of terms adopted by the state, which will be used by the CCM when monitoring agencies.

II. A comprehensive outline of monitoring tasks, to include the identification of agencies responsible for each task.

III. The barriers associated with implementing and maintaining an effective system for monitoring agencies for compliance, and the state and local strategies for overcoming such barriers.

IV. The legislative and/or administrative procedures which have been established for the state to receive, investigate, and respond to agencies accused of violations related to the JJDP Act.

V. A description of the authority granted to the CCM by the state, in order for he/she to implement and maintain an effective system for monitoring agencies.

Procedure(s)

A. The monitoring barriers, legislative and administrative violation procedures, comprehensive outline of monitoring tasks, statutory authority, and use of federal definitions exclusive to compliance monitoring are identified in the additional policies.

B. All policies and procedures related to state compliance monitoring must be reviewed at least annually by the CCM and/or the State Juvenile Justice Specialist (JJS) and updated as needed.

Terminology

Correctional Compliance Monitor (CCM). Responsible for ensuring that all secure detention facilities achieve and maintain compliance with the core regulations of the JJDP Act, and often times, State Criminal Statues.

Juvenile Justice Specialist (JJS). Responsible for staffing the State Advisory Group (SAG), managing the federal funding stream, and for being an active liaison between the SAG and State Division of Juvenile Services (DJS). Also may delegate the operational functions of the CCM.

Juvenile Justice and Delinquency Prevention Act (JJDP Act). The Juvenile Justice and Delinquency Prevention Act, passed in 1974, in order to help state and local governments prevent and control juvenile delinquency and to improve the juvenile justice system.

Office of Juvenile Justice and Delinquency Prevention (OJJDP). Established to support states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles.

Attachments

N/A

Policy Title:	FEDERAL AND STATE DEFINITIONS OF TERMS			Prepared and Authorized by:	Ryan Andersen
Policy Number:	1.1	Effective Date:	January, 2012	Review Date:	
Purpose:	In classifying facilities and identifying the types of juvenile offenses resulting in secure detention, the definition of terms must be identical to those found in the Formula Grant Regulations.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act), Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 15 §3003				

Policy

The State Advisory Group (SAG) will adopt and follow Office of Juvenile Justice and Delinquency Prevention (OJJDP) definitions for monitoring to the Act. These definitions will be used exclusively for compliance monitoring, and when training and/or providing technical assistance.

Procedure(s)

A. During identification and classification terms and definitions consistent with the OJJDP Formula Grant Regulations will be used:

Formula Grant (Definitions)

1. Sight and Sound Separation – 31.303(d)(l)(L)

Secure custody status is when a juvenile offender is physically detained or confined in a locked room or area. Secure detention or confinement may result either from being placed in such a room or area and/or being physically secured to a cuffing rail or other stationary object. Separation must be accomplished architecturally or through policies and procedures in all secured areas. **Sight contact** is when a juvenile has clear visual contact with an incarcerated adult within close proximity. **Sound contact** is when a juvenile can have direct oral communication with an incarcerated adult. In accordance with OJJDP policy the state must assure that no juvenile offender shall enter, under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

2. Private Agency – 31.304(a)

A private non-profit agency, organization or institution is:

a. Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control.

b. Any other agency, organization, or institution which operates primarily for scientific, education, service charitable or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax exempt under the provisions of section 501(c)(3) of the 1954 Internal Revenue Code.

3. Secure Custody – 31.304(b)

As used to define a detention or correctional facility this term includes residential facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

4. Facility – 31.304(c)

A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

5. Juvenile who is accused of having committed an offense – 31.304(d)

A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender and no final adjudication has been made by the juvenile court.

6. Juvenile who has been adjudicated as having committed an offense –31.304(e)

A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender.

7. Status Offender – 31.304(h)

A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. (Status offenses include truancy, violations of curfew, runaway, underage possession of alcohol or tobacco, underage alcohol offenses).

8. Non-Offender – 31.304(i)

A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

9. Adult Jail – 31.304(n)

A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating

criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

10. Adult Lockup – 31.304(n)

Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

11. Valid Court Order – 31.304(o)

The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.

12. Collocated Facility

Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.

a. Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time phasing of common use nonresidential areas and;
b. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides a full range of separate program services. No program activities may be shared by juveniles and adult inmates. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and
c. If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and In states that have established standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and be licensed as appropriate. If there are no state standards or licensing requirements, OJJDP encourages states to establish administrative requirements that authorize the state to review the facility's physical plant, staffing patterns, and programs in order to approve the collocated facility based on prevailing national juvenile detention standards.

13. Court Holding

A court holding facility is a secure facility, other than an adult jail or lockup that is used to temporarily detain persons immediately before or after detention hearing, or other court proceedings. Court holding facilities, where they do not detail individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223 (a)(14) of he JJDP Act. However, such facilities remain subject to the section 223 (a)(13)(42 U.S.C. 5633 (a)(13)) separation requirement of the Act.

14. Non-Secure Custody

The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility: (1) the area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes; (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility; (3) the use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court; (4) in no event can the area be designed or intended to be used for residential purposes; and (5) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

B. The following terms are contained in the JJDPA:

1. Public Agency – 103(11)

The term "public agency" means any state, unit of local government, combination of such states or units, or any department, agency or instrumentality of any of the forgoing.

2. Secure Detention Facility – 103(12)(A)(B)

The term "secure detention facility" means any public or private residential facility which:

a. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.
b. Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense.

3. Secure Correctional Facility – 103(13)(A)(B)

The term "secure correctional facility" means any public or private residential facility which:

a. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.

b. Is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense.

C. The following terms are contained in the OJJDP Guidance Manual of 2002:

1. Delinquent

A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

D. Other

1. Adjudication/Adjudicatory

The judicial hearing wherein guilt or innocence is determined either by the child's admission or by trial to a court or jury.

2. Advisement

A court procedure formally advising the accused of certain statutory and constitutional rights. The advisement is delivered during the first appearance in court.

3. Bench Warrant

Process issued by the court itself, "from the bench," for the apprehension or arrest of a person.

4. Contempt of Court

The punishable act of showing disrespect for the authority or dignity of the court.

5. Detention Hearing

A hearing held within 48 hours, excluding weekends and holidays, after the juvenile is taken into temporary custody to determine whether continued detention is necessary.

6. Juvenile

Refers to any individual under the age of 18 or is still under the jurisdiction of the juvenile court.

7. Juvenile Offender

An individual subject to the exercise of the juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations by defined as state law, i.e., a criminal type offender or a status offender.

8. Reasonable Cause Hearing

In the context of the VCO Exception, the reasonable cause hearing (also referred to as a probable cause hearing or preliminary hearing) is a court proceeding held by a judge to determine whether there is sufficient cause to believe that a juvenile status offender accused of violating a valid court order and to determine the appropriate placement of such juvenile pending disposition of the violation alleged. (42 U.S.C. 5633 Sec. 223(a)(23)(C)(ii).

9. Staff Secure Facility

A staff secure facility may be defined as a residential facility (1) which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

10. Temporary Holding

An area used for the temporary holding used for the temporary holding of a child from the time they are taken into custody until a detention hearing has been held, if it has been determined that the child requires a staff-secure or physically secure setting. The area must be sight and sound separated from adults and constantly monitored.

11. Waived to Adult Court

The formal process to transfer or direct file a juvenile case into adult court for trial.

Maine Title 15 §3003 (Definitions)

As used in this Part, unless the context otherwise indicates, the following words and phrases shall have the following meanings. [1977, c. 520, §1 (NEW).]

1. **Adjudicatory hearing.** "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under chapter 507 are supported by evidence beyond a reasonable doubt.
[1977, c. 520, §1 (NEW).]

2. **Adult.** "Adult" means a person 18 years of age or over. [1977, c. 520, §1(NEW).]

2-A. **Attendant; attendant care.** "Attendant" means an agent of a county sheriff or of the Department of Corrections who is authorized to provide temporary supervision of a juvenile alleged to have committed a juvenile crime or of a juvenile adjudicated as having committed a juvenile crime when supervision is appropriate as an interim measure pending the completion of a procedure authorized by law to be taken in regard to such juvenile. Supervision must be exercised during that period beginning with receipt of the juvenile by the attendant and ending upon the release of the juvenile to the juvenile's legal custodian or other responsible adult. This supervision constitutes "attendant care." Attendant care may not be ordered by the juvenile court except with the consent of the county sheriff or the Department of Corrections. [2005, c. 328, §4 (AMD).]

3. **Bind over hearing.** "Bind over hearing" means a hearing at which the Juvenile Court determines whether or not to permit the State to proceed against a juvenile as if he were an adult.
[1979, c. 681, §38 (AMD).]

4. **Commit.** "Commit" means to transfer legal custody. [1977, c. 520, §1 (NEW).]

> **4-A**. **Diagnostic evaluation.** "Diagnostic evaluation" means an examination of a juvenile, to assess the risks the juvenile may pose and determine the needs the juvenile may have, which may include, but is not limited to, educational, vocational or psychosocial evaluations, psychometric testing and psychological, psychiatric or medical examinations, which may take place on either a residential or a nonresidential basis. [1989, c. 744, §1 (AMD).]

> **4-B**. **Detention.** "Detention" means the holding of a person in a facility characterized by either physically restrictive construction or intensive staff supervision that is intended to prevent a person who is placed in or admitted to the facility from departing at will. [1991, c. 493, §1 (NEW).]

5. **Dispositional hearing.** "Dispositional hearing" means a hearing to determine what order of disposition should be made concerning a juvenile who has been adjudicated as having committed a juvenile crime. [1977, c. 520, §1 (NEW).]

6. **Emancipation.** "Emancipation" means the release of a juvenile from the legal control of his parents. [1977, c. 520, §1 (NEW).]

7. **Facility.** "Facility" means any physical structure. [1977, c. 520, §1 (NEW).]

8. **Guardian.** "Guardian" means a person lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person, who, because of age, is considered incapable of administering his own affairs. [1977, c. 520, §1 (NEW).]

9. **He.** "He" means, where appropriate, "she" or an organization. [977, c. 520, §1 (NEW).]

10. **Informal adjustment.** "Informal adjustment" means a voluntary arrangement between a juvenile community corrections officer and a juvenile referred to the officer that provides sufficient basis for a decision by the juvenile community corrections officer not to file a petition under chapter 507. [1999, c. 624, Pt. B, §1 (AMD).]

11. **Intake.**
[1977, c. 664, §3 (RP).]

12. **Intake worker.**
[1985, c. 439, §3 (RP).]

13. **Interim care.** "Interim care" means the status of temporary physical control of a juvenile by a person authorized by section 3501. [1977, c. 520, §1 (NEW).]

14. **Juvenile.** "Juvenile" means any person who has not attained the age of 18 years. [1977, c. 520, §1 (NEW).]

14-A. **Juvenile arrest.** "Juvenile arrest" means the taking of an accused juvenile into custody in conformance with the law governing the arrest of persons believed to have committed a crime. [1985, c. 439, §4 (NEW).]

14-B. **Juvenile community corrections officer.** "Juvenile community corrections officer" means an agent of the Department of Corrections authorized:

A. To perform juvenile probation functions; [1985, c. 439, §4 (NEW).]

B. To provide appropriate services to juveniles committed to a Department of Corrections juvenile correctional facility who are on leave or in the community on community reintegration; and [2003,c. 688, Pt. A, §11(RPR).]

C. To perform all community corrections officer functions established by this Part for a juvenile alleged to have committed a juvenile crime. [1999, c. 624, Pt. B, §2 (AMD).] [2003, c. 688, Pt. A, §11 (AMD).]

15. **Juvenile Court.** "Juvenile Court" means the District Court exercising the jurisdiction conferred by section 3101. [1979, c. 681, §38 (AMD).]

16. **Juvenile crime.** "Juvenile crime" has the meaning set forth in section 3103. [1977, c. 520, §1 (NEW).]

17. **Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes , whether that duty extends to all crimes or is limited to specific crimes, to perform probation functions or to perform intensive supervision functions. [1989, c. 113, §1 (AMD).]

18. **Legal custodian.** "Legal custodian" means a person who has legal custody of a juvenile.
[1977, c. 520, §1 (NEW).]

19. **Legal custody.** "Legal custody" means the right to the care, custody and control of a juvenile and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a juvenile, and, in an emergency, to authorize surgery or other extraordinary care. [1977, c. 520, §1 (NEW).]

20. **Organization.** "Organization" means a corporation, partnership or unincorporated association.
[1977, c. 520, §1 (NEW).]

21. **Parent.** "Parent" means either a natural parent or the adoptive parent of a juvenile. [1977, c. 520, §1 (NEW).]

22. **Person.** "Person" means a human being or an organization.
[1977, c. 520, §1 (NEW).]

23. **Probation.** "Probation" means a legal status created by court order in cases involving a juvenile adjudicated as having committed a juvenile crime, which permits the juvenile to remain in his own home or other placement designated by the Juvenile Court subject to revocation for violation of any condition imposed by the court. [1979, c. 681, §2 (AMD).]

24. **Probation officer; juvenile probation officer.**
[1985, c. 439, §5 (RP).]

24-A. **Secure detention facility.** "Secure detention facility" means a facility characterized by physically restrictive construction that is intended to prevent a person who is placed in or admitted to the facility from departing at will. [1991, c. 493, §2 (AMD).]

25. **Shelter.** "Shelter" means the temporary care of a juvenile in physically unrestricting facilities.
[1977, c. 520, §1 (NEW).]

26. **Temporary holding resource.** "Temporary holding resource" means an area not in a jail or other secure detention facility intended or primarily used for the detention of adults that may be used to provide secure supervision for a juvenile for a period not to exceed 72 hours, excluding Saturday, Sunday and legal holidays, pending the completion of a procedure authorized by law to be taken in regard to a juvenile. Security is provided by intense personal supervision rather than by the physical characteristics of the facility. [1991, c. 493, §3 (AMD).]

27. **Temporary supervision.** "Temporary supervision" means that supervision provided by an attendant delivering attendant care as defined in subsection 2-A. [1985, c. 439, §7 (NEW).]

Terminology

N/A

Attachments

N/A

Policy Title:	OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) MANDATED COMPLIANCE MONITORING RESPONSIBILITIES			**Prepared and Authorized by:**	Ryan Andersen
Policy Number:	1.2	**Effective Date:**	January, 2012	**Review Date:**	
Purpose:	To provide a comprehensive outline of compliance monitoring responsibilities as well as identifying certain agencies to perform these duties. The following policy outlines in general terms a compliance monitoring system. The State Planning Agency (SPA) is responsible for monitoring and reporting under the Juvenile Justice and Delinquency Prevention Act (JJDP Act).				
Reference(s):	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

As outlined in this policy, the State Juvenile Justice Specialist (JJS) in collaboration with the State Correctional Compliance Monitor (CCM) will review the responsibilities of the CCM annually.

Procedure(s)

A. The CCM will coordinate a meeting with JJS annually, at the close of the calendar year.

B. A work plan (Appendix 7) outlining the responsibilities of the CCM, start and completion date(s), and other required duties will be documented. A copy of the work plan will be provided to the State Advisory Group (SAG).

C. The CCM responsibilities, at minimum, will include:

1. Identification of the Monitoring Universe.
2. Classification of the Monitoring Universe (Appendix 4)
3. Inspection of Facilities (Appendix 5)
4. Data Collection and Verification (Appendix 1)
5. Oral and/or written quarterly progress reports to the SAG.
6. Completion of the OJJDP Annual Report, at the close of each calendar year. The OJJDP Annual Report determines funding eligibility based on statewide compliance with three of the four Core Requirements (Deinstitutionalization of Status Offenders, Sight and Sound Separation, and Jail Removal).
7. Additional responsibilities as described.

D. The JJS will oversee the CCM to ensure that all monitoring duties, as required by OJJDP, are completed.

Terminology

State Planning Agency (SPA). The Department of Corrections is the SPA for Maine, which carries out the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Attachments

- Appendix 1 (pg 76)
- Appendix 4 (pg 81)
- Appendix 5 (pg 83)
- Appendix 7 (pg 86)

Policy Title:	BARRIERS AND STRATEGIES			Prepared and Authorized by:	Ryan Andersen
Policy Number:	1.3	Effective Date:	January, 2012	Review Date:	
Purpose:	Identify the barriers associated with implementing an effective monitoring system. Identify state and local strategies to overcome the barriers.				
Reference(s):	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

The following procedures will be used to identify barriers associated with implementing an effective monitoring system, and establish strategies to overcome them. The strategy effectiveness as it relates to the monitoring system will be reviewed at least annually.

Procedure(s)

A. A portion of the agenda at State Advisory Group (SAG) meetings will be reserved for the State Correctional Compliance Monitor (CCM) to update the SAG on current compliance violations, barriers that exist, and make recommendations on action necessary to correct current violations and avoid further non-compliance.

   1. Following the CCM report, the SAG will discuss violations, barriers, strategies, and corrective action, if necessary.

   2. During each of the SAG meetings minutes will be recorded in order to monitor the progress of any necessary SAG discussion.

   3. At the end of each calendar year, the CCM will present the SAG with a quantitative annual report related to juveniles in detention, and violations associated with such.

B. After careful review of the annual report, followed by discussion, a written action plan will be developed, if needed, to address the barriers for the coming year, which will be recorded in the SAG minutes.

C. The CCM will implement the written action plan and provide written and/or oral updates to the SAG during regular SAG meetings which will be held at minimum, six times per calendar year.

D. The written action plan(s) may include, but are not limited to:

   1. Proposed state legislation to eliminate barriers to compliance.

   2. Administrative meetings with those agencies involved in monitoring or implementation of the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

3. Regional and community based workshops for those agencies involved in monitoring or implementation of the JJDP Act.

4. Intensive collaborative problem solving and strategic planning for agencies requiring assistance to achieve compliance with the JJDP Act.

Terminology

State Advisory Group (SAG). Usually consists of 15-33 members who are commonly appointed by the Governors/Chief Executives in each state, territory, and the District of Columbia, who have training, expertise or special knowledge concerning the intervention, prevention, and treatment of juvenile delinquency and the administration of juvenile justice.

Attachments

N/A

Policy Title:	AGENCY VIOLATIONS UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (JJDP ACT)			**Prepared and Authorized by:**	Ryan Andersen
Policy Number:	1.4	**Effective Date:**	January, 2012	**Review Date:**	
Purpose:	To outline the administrative and statutory procedures which will be used to identify, investigate and strategically plan for corrective action in agencies of non-compliance.				
Reference(s):	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 34-A, section 1208				

Policy

All agencies classified as secure, which are capable of detaining a juvenile pursuant to public authority may be in violation of the core protections of the JJDP Act and Formula Grant Regulations. The mechanisms for violation reports take several forms: through the State Correctional Compliance Monitor (CCM), the agency itself, concerned citizens, the Public Defender's Office, parents/guardians, or the department with oversight authority. While the CCM is responsible for the compliance violation investigation and follow up, the State Juvenile Justice Specialist (JJS) retains primary responsibility and merely delegates this task to the CCM.

Procedure(s)

A. The CCM will perform statewide monitoring; a comprehensive outline of the process is contained in these policies.

B. The CCM will serve as the primary agent to identify and report non-compliance throughout the state, investigate compliance violations, and collaborate with the appropriate agencies in implementing corrective action to achieve compliance. Non-compliance is most commonly identified through review of the Holding Facility/SDA Monthly Population Reports (Appendix 1). The initial review of these reports occurs monthly, once the appropriate agency has submitted the data to the CCM. Afterwards, the data submitted is validated at least annually through an on-site review.

C. When a compliance violation is identified by an independent source, the CCM given the authority of **Maine Title 34-A, section 1208** (Appendix 5) will be responsible for investigating the alleged violation.

   1. Independent sources may include:

      a. The State Advisory Group (SAG);

      b. The Maine Department of Corrections;

      c. Administrators of public and private agencies;

      d. Concerned citizens and/or parents;

e. Youth

D. The process used to receive, validate, and respond to compliance violations is as follows:

1. Reports of all alleged compliance violations will be turned over to the CCM. Most will be identified through review of the Holding Facility/SDA Monthly Population Reports (Appendix 1), which are submitted monthly by all applicable agencies. Additional compliance violations may be identified through an independent source.

2. If an alleged violation of the Federal Deinstitutionalization of Status Offenders (DSO), and/or Jail Removal, and/or Sight and Sound Separation Regulations is reported or discovered, the CCM will be responsible for validating the allegation. The investigation will most commonly involve a review of the juvenile's case file for confirmation of a compliance violation. In many cases, incorrect or incomplete information is recorded on the Holding Facility/SDA Monthly Population Report (Appendix 1), so on-site confirmation is necessary. Other sources for confirmation of a compliance violation may include but are not limited to:

   a. The Maine Department of Corrections database (CORIS).

   b. Juvenile Community Corrections Officer(s) (JCCO)

   c. The applicable agency Administrator, Booking Officer, or Contact.

   All confirmed compliance violations will be discussed with the agency administrator or designee to site the Federal Core Regulation(s) violated, and collaborate on what remedial actions may be implemented for future violation prevention.

3. The CCM will complete a Federal Regulations Compliance Violation Notice (Appendix 3); any confirmed compliance violations will be documented within. A copy of the notice will be mailed to the agency administrator or contact, and another will be placed in the applicable agency file.

4. Under the authority of **Maine Title 34-A, section 1208** (Appendix 5) the CCM, "may inspect a county or municipal detention facility at anytime, without prior notice, to determine compliance." The CCM will use this authority with the intention of assisting agencies in achieving full compliance, especially those found to be consistently non-compliant.

5. The CCM will provide oral, and/or written reports in regard to compliance concerns and/or progress during applicable unit meetings, at the discretion of the State JJS.

E. The SAG may follow up a compliance violation with any action that is deemed responsible and appropriate.

F. For internal tracking purposes, the following steps will be taken on every compliance violation:

1. Each compliance violation that is identified will be immediately noted on the applicable Facility Tally Sheet (Appendix 2) under the 'violations' heading. The Facility Tally Sheet (Appendix 2) is accessed electronically, and backed up on disk at minimum, bi-weekly. At the close of the calendar year, a final hardcopy of the Facility Tally Sheet (Appendix 2) will be created, and placed in the applicable agency file.

2. All confirmed violations will be reported to OJJDP annually at the close of the calendar year. See OJJDP's web site for the Annual Compliance Report template (http://www.ojjdp.gov/compliance/).

Terminology

N/A

Attachments

Appendix 1 (pg 76)
Appendix 2 (pg 78)
Appendix 3 (pg 80)
Appendix 6 (pg 85)

Policy Title:	AUTHORITY FOR AGENCY INSPECTION			Prepared and Authorized by:	Ryan Andersen
Policy Number:	1.5	Effective Date:	January, 2012	Review Date:	
Purpose:	The State Planning Agency (SPA) responsible for statewide compliance under the Juvenile Justice and Delinquency Prevention Act (JJDP Act) shall have sufficient legal authority to inspect all facilities for compliance, in which juveniles might be placed under public authority.				
Reference(s):	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 200, Maine Title 34-A, section 1208, Maine Department of Corrections; Division of Juvenile Services Policy: 8.1				

Policy

I. Legal authority shall permit the SPA (Maine Department of Corrections) the right to develop and enforce, pursuant to state statutes, standards (Appendix 5) for all secure facilities that might hold juveniles pursuant to public authority, to inspect applicable facilities for compliance, to cite applicable facilities for violations of the standards, and to enforce sanctions when violations are not corrected.

II. The State Correctional Compliance Monitor (CCM) shall be permitted to review records containing juvenile detention information with the understanding that **Maine Department of Corrections; Division of Juvenile Services Policy: 8.1** prohibit the CCM from recording and/or divulging any information to the public that may identify a specific juvenile.

III. Effective compliance monitoring and enforcement can only be fully implemented when the SPA's legal responsibility is defined in clear terms and is known to all parties.

Procedure(s)

A. State statutes usually define the responsibility of agencies who may be detaining juveniles securely with regard to the development and implementation of licensing requirements and/or other standards for operation. The CCM will utilize such statutorily defined requirements and standards.

B. **Maine Title 34-A, section 1208** (Appendix 5) gives the SPA authority to coordinate the JJDPA Jail Removal core protection, thereby giving the CCM authority to inspect and records when a juvenile is detained securely.

C. The CCM will make available during all facility inspections a copy of the statutory authority under which he/she operates. A letter of consent will be attached to the statute in the event that the applicable facility is requesting verification from the SPA Commissioner that compliance inspection is a function of the SPA. If a facility requires such a letter, CCM shall request the letter be signed and then submit it to the facility administrator. The CCM will report directly to the JJS and/or SAG. The JJS retains the accountability for the overall performance of the monitoring duties.

Terminology

Maine Department of Corrections; Division of Juvenile Services Policy: 8.1.
It is the policy of the Maine Department of Corrections that all client records be maintained in a confidential manner and that all client information be kept confidential, as required by legal mandates and Departmental policies and procedures to prevent unauthorized access to information that is protected.

Attachments

Appendix 5 (pg 83)

Policy Title:	OUTLINE FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) COMPLIANCE MONITORING MANDATES			**Prepared and Authorized by:**	Ryan Andersen
Policy Number:	2.0	**Effective Date:**	January, 2012	**Review Date:**	
Purpose:	The Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act) states in §223(15) that states must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the core protections of paragraph (A)(11)(a), D.S.O.; paragraph (12), sight and sound separation; and paragraph (13), jail removal; are met, and for annual reporting of the results for such monitoring to the OJJDP Administrator.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation 0f 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

The primary compliance monitoring responsibilities are as follows:

I. Identification of the Compliance Monitoring Universe (Appendix 7).

II. Classification of the Compliance Monitoring Universe (Appendix 4).

III. Data Collection and Verification (Appendix 1).

IV. Inspection of Facilities (Appendix 5).

Compliance violation issues and reporting:

V. The OJJDP annual Compliance Monitoring report period.

VI. The method of reporting.

VII. Legislative and administrative procedures used to achieve compliance when compliance violations persist.

Procedure(s)

To complete the compliance monitoring duties as required by OJJDP, please refer to the policies that follow.

Terminology

N/A

Attachments

Appendix 1 (pg 76)
Appendix 4 (pg 81)
Appendix 7 (pg 86)

Policy Title:	IDENTIFICATION OF THE COMPLIANCE UNIVERSE			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.1	Effective Date:	January, 2012	Review Date:	
Purpose:	The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires that all states receiving Formula Grant Funding establish and maintain an adequate system for achieving compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act) and any relative audits. There are four components to a compliance monitoring system: identification of facilities to be monitored for compliance, classification of these facilities, inspection of these facilities, and data collection/verification. OJJDP requires that each component is completed annually. This policy will address the annual identification of the compliance universe.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

The State Correctional Compliance Monitor (CCM) will maintain a Facility Compliance Master List (FCML) (Appendix 7) which will identify all facilities in the state which might hold juveniles pursuant to public authority. The FCML (Appendix 7) will be backed up on disk, at minimum, bi-weekly. The disk will remain in the CCM's office at all times, and will only be removed in the event of an evacuation.

During the three year monitoring cycle, in which all facilities included in the FCML (Appendix 7) will be inspected, the CCM will update the FCML (Appendix 7) as needed.

As defined in the Federal Register, May 31, 1995, page 28445, the identification of the monitoring universe refers to: "The identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public or private agencies."

As defined in the OJJDP Guidance Manual, page 2, states: "This refers to the identification of all facilities which might hold juveniles pursuant to public authority…This list should include all jails, lockups, detention centers, juvenile correctional facilities, halfway houses, group homes, the number of foster homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may need to include public or private mental health facilities, chemical dependency programs, and detoxification centers."

Procedure(s)

A. In January of each year, the CCM will query agency administrators requesting classification/identification information. The query will be administered via the State of

Maine Facility Classification Form (Appendix 4). The agencies responsible for returning information will all included within the FCML (Appendix 7).

B. The query will request information regarding the agency contact(s) and current facilities. During inspection, further information will be collected on agency standards, licensing, and policies. The information collected will be kept in each agencies respective file, and all relevant information will be transferred onto the FCML (Appendix 7) for reference.

C. The FCML (Appendix 7) will be made available during each OJJDP compliance monitoring audit.

D. The identification of the Compliance Universe is a continuous process. During facility inspection, the CCM should inquire about new construction, remodeling of current facilities, and proposed construction. In addition, when inspecting a Sheriff's Department, the CCM will ask what police departments are currently operational within the county. If a police department or other agency has recently become operational, or is being proposed in the county, it is placed on the list of agencies within the respective section of the FCML (Appendix 7).

Terminology

Facility Compliance Master List (FCML). A compilation of all public and private agencies within the state which might hold juveniles pursuant to public authority, commonly known as the *Monitoring Universe*.

Attachments

Appendix 4 (pg 81)
Appendix 7 (pg 86)

Policy Title:	AGENCY CLASSIFICATION			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.2	Effective Date:	January, 2012	Review Date:	
Purpose:	The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires that all states receiving Formula Grant Funding establish and maintain an adequate system for achieving compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act) and any relative audits. There are four components to a compliance monitoring system: identification of facilities to be monitored for compliance, classification of these facilities, inspection of these facilities, and data collection/verification. OJJDP requires that each component is completed annually. This policy will address the annual classification of the compliance universe.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 34-A, section 1208				

Policy

The State Correctional Compliance Monitor (CCM) will annually classify and/or reclassify all facilities contained in the Facility Compliance Master List (FCML) (Appendix 7) commonly known as *Monitoring Universe*.

As defined in the Federal Register, June 20, 1985, page 25558, "This is the classification of all facilities to determine which ones should be considered as a secure detention or correctional facility, an adult correctional facility, an adult correctional institution, jail, lockup, or other type of secure or non-secure facility."

The OJJDP Guideline Manual, page 3, states: "The classification of all facilities to determine which should be considered secure detention or correctional facilities, adult correctional facilities, jails, lockups, or other types of secure facilities and thus should be monitored, requires an assessment of each facility based on the OJJDP regulations. Generally all jails, lockups, juvenile detention centers, training schools and other public and private facilities should be subject to classification."

For purposes of this policy, and per federal mandates, there will be three classifications used to identify each facility:

I. Public or Private.

II. Is it a juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults?

III. Secure or Non-Secure.

Please refer to policy **1.5, FEDERAL AND STATE DEFINITIONS OF TERMS** for any clarification needed regarding the above classifications.

For purposes of this policy and for classification validity, only OJJDP definitions will be used.

Procedure(s)

A. All facilities contained in the FCML (Appendix 7) will be classified Pursuant to the OJJDP definitions.

B. Based on the classification results, a list of facilities requiring on-site inspection will be generated.

C. The classification of current facilities will/or may have occurred during the previous calendar year. For example, while conducting an on-site inspection of a Sheriff's Department the CCM may learn of a new court holding facility that was recently constructed. This facility will then be added to the FCML (Appendix 7) and is subject to classification and inspection. Or, the CCM may learn of a police department that has just become operational during the prior calendar year. Again, the new police department is subject to classification and inspection.

D. The classification of facilities is a continuous process. Classification is initiated through completion of the State of Maine Facility Classification Form (Appendix 4) by the agency administrator or designee, and then verified on-site by the CCM.

E. The CCM will annually review state standards and new legislation, judicial practices, and administrative policies for classification purposes. Based on the standards, judicial practices, and administrative policies some agencies may be exempt from inspection.

F. When an existing facility is re-classified, it will be indicated on the State of Maine Facility Classification Form (Appendix 4) and placed in the respective facility file.

G. The CCM will annually classify all county jails, court holding facilities, secure lockups, and juvenile detention facilities as public or private, secure facilities that may be used for the incarceration of juveniles and/or adults. All of these facilities will be subject to annual on-site inspection and data collection/data verification in accordance with the authority and provisions contained in **Maine Title 34-A, section 1208** (Appendix 5).

H. Lockups classified as non-secure will be visited at least once every three years for verification purposes. It is the responsibility of the CCM to schedule appropriately and maintain records of facility visit/inspection dates.

I. All facilities, including those non-secure will have a completed State of Maine Facility Classification Form (Appendix 4) on file for documentation purposes.

J. Collocated Facilities and Temporary Holding Resources (THR) require annual on-site inspection for classification verification.

Terminology

Temporary Holding Resource (THR). A staff secure area located outside the secure perimeter of a jail or other secure detention facility primarily used for the detention of adults.

Attachments

Appendix 4 (pg 81)
Appendix 5 (pg 83)
Appendix 7 (pg 86)

Policy Title:	SECURE AND NON-SECURE CUSTODY			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.3	Effective Date:	January, 2012	Review Date:	
Purpose:	This policy is intended to provide the State Correctional Compliance Monitor (CCM) with guidance on classifying secure and non-secure facilities.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act), Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

During classification of facilities the CCM will determine whether the facility is secure or non-secure based on an initial on-site inspection. If the facility has already been inspected and determined to be secure or non-secure, then the applicable facility will not need to be classified again until the next scheduled inspection. During the intermittent period, pursuant to **Title 34-A, section 1208** (Appendix 5), "Key planning and design documents shall be submitted to the Department (MDOC) for review and comment during the planning and design process. The Department shall review all documents to determine whether compliance with standards is achieved and shall certify compliance in writing."
This policy provides guidance on what constitutes a secure facility and what constitutes a non-secure facility. Data and compliance are linked to secure facilities only.

Procedure(s)

A. **Secure Custody** is used to define a detention or correctional facility, or residential facilities having construction features designed to physically restrict the movements and activities of persons in custody (e.g., locked rooms and buildings, fences, or other physical structures). It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (i.e., staff secure). Further guidance in distinguishing non-secure custody from secure custody comes from the November 2, 1988, Federal Register announcement, Policy Guidance for Non-Secure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy.

   Also considered secure are those facilities that contain doors with delayed egress devices that have not received written approval by the authority having jurisdiction over fire codes and/or fire inspections in the area in which the facility is located. The egress delay must never exceed the time delay allowed by the fire code applicable to the area in which the facility is located, and the maximum time delay allowed must be specified on the written approval. Facilities that contain devices that exceed a thirty second delay are always considered secure, even though local code may allow for a longer time delay.

   As examples, a juvenile placed in the following situations would be in secure custody:

   1. A juvenile placed in a cell within an adult jail or lockup, whether or not the cell door is locked.

2. A juvenile placed in an unlocked room within the secure perimeter of an adult jail, lockup, or a juvenile detention/correctional center.

3. A juvenile detained in a secure intake/booking area after being processed (photographed and/or fingerprinted).

4. A juvenile being processed in a secure intake/booking area when an unsecure intake/booking area is available within the facility.

5. A juvenile handcuffed or shackled to a rail, ring or other stationary object in a non-secure area of the facility.

6. A juvenile placed in a room that contains egress doors with unapproved delayed egress devices or approved delayed egress devices with a delay of more than thirty seconds.

B. **Non-Secure Custody**. A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility but not be in secure detention or confinement status. OJJDP's policy guidance indicates that all of the following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in an adult jail of lockup facility:

1. The area of the facility where the juvenile is detained does not have any architecture or physical structure that would prevent the juvenile of self release from the facility/grounds (i.e. perimeter fence, holding cell, and locked door).

2. The juvenile is not physically secured to a stationary object such as a cuffing rail/bench/ring during the time of custody in the facility.

3. The juvenile is physically secured, but to a non-stationary object.

4. The use of the area is limited to providing non-secure custody long enough and for the purposes of identification, investigation, processing, release to parents, arranging transfer to an appropriate juvenile facility, or court.

5. A juvenile being processed in a secure intake/booking area: where a secure booking area is all that is available, and the juvenile remains in the booking area only long enough photographed, fingerprinted, processed, the juvenile is not considered to be in secure detention status. Continued non-secure custody for purposes of interrogation, parent contact, or arranging an alternative placement must occur in an architecturally non-secure area of the facility.

6. A juvenile placed in an area of the facility that has doors with delayed egress which have received written approval (including a specification of the maximum time delay allowed) by the authority having jurisdiction over fire codes and fire inspections. In no case shall this delay exceed thirty seconds.

7. A juvenile placed in a secure law enforcement vehicle. The JJDP Act applies only to secure detention and correctional facilities.

8. The juvenile must remain under continuous visual supervision by a law enforcement officer or facility staff during the time that he/she is in non-secure custody.

Terminology

N/A

Attachments

Appendix 5 (pg 83)

Policy Title:	COLLOCATED FACILITIES			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.3.1	Effective Date:	January, 2012	Review Date:	
Purpose:	The State Correctional Compliance Monitor (CCM) must understand what constitutes a Collocated Facility in order to adequately monitor such under the core protections of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act), as Amended.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 15 § 3203-A, Maine Department of Corrections: Juvenile Facility Policy 21.4				

Policy

This policy will provide guidance when monitoring Collocated Facilities for compliance under the JJDP Act.

Procedure(s)

A. A Collocated Facility is a juvenile facility that is located in the same building as and adult jail or lockup or is part of a related series of buildings located on the same grounds as an adult jail or lockup. A series of buildings are considered related when they share physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance and engineering. An approved Collocated Facility is a facility that has been approved by the SAG after meeting the following four criteria:

1. The facility must ensure separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time phasing of common use nonresidential areas; and

    a. See **Maine Title 15 § 3203-A** (Sight and Sound Separation)

2. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and

    a. See **Maine Department of Corrections: Juvenile Facility Policy 21.4** (Separate Programming)

3. If the State will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and

4. In States that have established standards for licensing requirements of juvenile detention/correctional facilities, the juvenile facility must meet the standards (on the same basis as a free standing Juvenile Detention/Correctional Center) and must be licensed as appropriate. If there are no State standards or licensing requirements, OJJDP encourages States to establish administrative requirements that authorize the State to review the facility's physical plan, staffing patterns, and programs in order to approve the collocated facility based upon prevailing national juvenile detention standards.

The State must determine that the four criteria are met and through the exercise of its oversight responsibility, must ensure that the separate character of the juvenile detention/correctional facility is maintained by continuing to meet the four criteria set forth. Annual inspections and certifications are required.

Please note that in 2002, the requirements of Collocated Facilities changed substantially to allow staff to work with both juveniles and adults.

In order to determine if a facility is indeed collocated, the policy and Collocated Facility Certification (Appendix 8) should be used.

After a facility has been certified as being Collocated, the same rules and regulations that apply to a Juvenile Detention/Correctional Center apply to a Collocated Facility.

Terminology

N/A

Attachments

Appendix 8 (pg 93)

Policy Title:	COURT HOLDING FACILITIES			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.3.2	Effective Date:	January, 2012	Review Date:	
Purpose:	The State Correctional Compliance Monitor (CCM) needs to understand what constitutes a Court Holding Facility in order to effectively monitor this facility classification for compliance under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act).				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

This policy will serve as guidance when monitoring Court Holding Facilities for compliance under the JJDP Act.

Procedure(s)

A. A Court Holding Facility is a secure facility, other than an adult jail or lockup that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court Holding Facilities, where they do not detain individuals overnight (i.e. are not residential) and are not used for punitive purposes or other purposes unrelated to court appearances, are not considered adult jails or lockups. However, such facilities remain subject to **section 223(a)(12)** (Separation) of the JJDP Act.

B. If it is a facility that is used for purposes other than court holding or is used for punitive purposes it no longer qualifies as a court holding facility and should be classified as an adult jail or lockup. The appropriate classification will be indicated on the Facility Compliance Master List (FCML) (Appendix 7).

C. The CCM must continuously monitor Court Holding Facilities to ensure that they continue to meet the definition and purpose listed above.

D. A status offender or delinquent may be detained in a Court Holding Facility the agency exempt from Deinstitutionalization of Status Offender (DSO) violations if the facility meets the criteria listed above.

E. It is important to note that Court Holding Facilities impose an inherent or practical time limitation in that juveniles must be brought to and removed from the facility during the same judicial day.

Terminology

N/A

Attachments

Appendix 7 (pg 86)

Policy Title:	OTHER FACILITY CLASSIFICATIONS			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.3.3	Effective Date:	January, 2012	Review Date:	
Purpose:	The State Correctional Compliance Monitor (CCM) needs to understand what constitutes other facility classifications in order to effectively monitor such for compliance under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act).				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 34-A, section 1208				

Policy

This policy will serve as guidance when monitoring other facility classifications for compliance under the JJDP Act.

Procedure(s)

A. Adult Prisons

1. An Adult Prison includes any institution used for the post conviction confinement of adult criminal offenders, including work camps and secure facilities located in the community.

2. The JJDP Act prohibits the placement of status offenders and non-offenders in secure detention/correctional facilities. Holding status offenders or non-offenders in an adult prison would be an immediate violation of the JJDP Act.

3. The JJDP Act states that no juvenile shall be detained or confined in any jail or lockup primarily intended for adults, therefore the JJDP Act limits the facilities from which juveniles must be removed to adult jails and lockups. The JJDP Act jail removal requirement does not apply to adult prisons.

4. Complete sight and sound separation must be provided between juvenile delinquent offenders and adult inmates and/or trustees.

B. Secure Mental Health Facilities

1. A juvenile committed to a mental health facility under a separate governing civil commitment of individuals for mental health treatment or evaluation would be considered outside the class of juvenile status offenders and non-offenders. For monitoring purposes, this distinction does not permit placement of status offenders or non-offenders in a secure mental health facility where the court is exercising its juvenile status offender or non-offender jurisdiction. The state must ensure that juveniles alleged to be or found to be juvenile status or non-offenders are not

committed under State mental health laws to circumvent the intent of Deinstitutionalization of Status Offenders (DSO).

2. There are no restrictions to placing delinquent offenders in a mental health treatment center. The separation requirement does not apply if the juvenile and adults are held in a Mental Health Facility solely because of a mental health civil commitment.

3. A review of State statute and judicial practices as they relate to Mental Health Facilities should be completed.

C. Temporary Holding Resource (THR), Staff Secure Facilities, Non-Secure Shelters or Group Homes

1. Non-secure, community based programs or facilities are exempt for the purposes of monitoring for compliance with the JJDP Act core requirements. The JJDP Act core requirements only apply to secure facilities. For example, a non-secure residential program for treatment of substance abuse could include both juvenile delinquent or status offenders and adult offenders.

2. The CCM must reclassify non-secure facilities at least once every three years for continued verification of non-secure status. If a facility is identified as a secure facility through reclassification, it must be monitored as an adult jail or lockup if it is capable of detaining both juvenile and adult offenders. If the authority of the facility limited to only juvenile detention, the facility will be monitored as a juvenile detention/correctional center.

3. As with other facilities discussed in this Manual, classification of the facility is necessary to understanding how the JJDP Act core requirements apply and what regulations are to be followed. Classification will determine what type of juvenile may be held and for what period of time. The two primary descriptors to determine facility classification are the level of security and the location of the facility.

4. Prior to the establishment of a THR, it is recommended that a needs assessment be conducted. Often, these facilities are seen as a solution to a myriad of programmatic problems within a community when in fact it is a limited and expensive option. The costs are higher resulting in a program driven continuum of services for juveniles rather than one driven by client need. Some questions to ask are:

   a. What purpose would this facility serve our community and juveniles?

   b. Which juveniles would be placed there, for how long? What placement process would we use?

   c. What does our data indicate the needs are?

   d. Can this service be provided elsewhere?

   e. Does providing temporary holding limit our ability to provide other services for juveniles?

   f. What are the on going operating costs and who will cover them?

5. All Maine THR's, in accordance with **Maine Title 34-A, section 1208** (Appendix 5) must have a set of post orders governing the operation of such. The CCM, if necessary, should provide technical assistance to applicable agencies in drafting post orders for a THR.

6. THR facilities are not licensed by the Maine Department of Health and Human Service (DHHS). The Maine Department of Corrections (MDOC) inspects THR's in accordance with the **Detention and Correctional Standards Section V.** established under **Maine Title 34-A, section 1208** (Appendix 5).

Terminology

N/A

Attachments

Appendix 5 (pg 83)

Policy Title:	DATA COLLECTION AND VERIFICATION			Prepared and Authorized by:	Ryan Andersen
Policy Number:	2.4	Effective Date:	January, 2012	Review Date:	
Purpose:	Each secure facility's admission and release records must be checked on-site to ensure that information provided on the Holding Facility/SDA Monthly Population Report is accurate. This process will help determine compliance with sections 223 (11), (12), and (13) of the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act).				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Cochrane Summaries, Interstate Commission for Juveniles				

Policy

The State Correctional Compliance Monitor (CCM) will be responsible for collecting and verifying data on every juvenile detained in those facilities subject to inspections following OJJDP regulations on data collection.

I. Data sets to be reviewed during collection/verification. (See also federal regulations)

a. Juvenile Detention/Correctional Centers

i. Accused status offenders detained for more than 24 hours (excluding weekends and holidays), prior to an initial court appearance, excluding those held pursuant to a Valid Court Order (VCO), out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act or a similar state law. (*These juveniles are reported as violations of the JJDP Act Deinstitutionalization of Status Offenders (DSO) regulation*).

ii. Accused status offenders detained for more than 24 hours (excluding weekends and holidays), immediately following an initial court appearance excluding those held pursuant to a VCO, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act or a similar state law. (*These juveniles are reported as violations of the JJDP Act DSO regulation*).

iii. Adjudicated status and non-offenders detained for any length of time. (*Any juvenile non-offender and/or status offender in secure detention without the benefit of a VCO will be reported as a violation of the JJDP Act DSO regulation*).

iv. Status offenders detained pursuant to a VCO violation. (*These juveniles are not reported as violations of the JJDP Act DSO regulation, however it must be verified that the VCO was followed*).

v. Out of state runaways detained over the 24 hour reporting exception. (*If held pursuant to the Interstate Compact rules and regulations will not be reported as a JJDP Act violation*).

vi. Federal wards held over the 24 hour reporting exception. (*OJJDP excludes them if the allowable rate is exceeded*).

vii. Non-offenders detained securely for any period of time. (*Reported as violation of the JJDP Act DSO regulation*).

viii. Total number of juvenile offenders detained pursuant to the Youth Handgun Safety Act or similar state law. (*Reported, but not as JJDP Act violations*).

b. Adult Jails and Adult Lockups

i. Accused status and non-offenders detained for any period of time. (*Reported as violations of the JJDP Act DSO and Jail Removal regulations*).

ii. Adjudicated status and non-offenders detained for any length of time. (*Reported as violations of the JJDP Act DSO and Jail Removal regulations*).

iii. All verified cases of sight and/or sound contact between adults and juveniles in detention. *(Reported as violation of the JJDP Act Sight/Sound Separation regulation).*

iv. Juveniles waived to adult court on criminal felony charges. (*Collected but not reported to OJJDP*).

v. Accused juvenile criminal type offenders securely detained in excess of 6 hours. (*Reported as violations of the JJDP Act Jail Removal regulation*).

vi. Adjudicated juvenile criminal type offenders securely detained in excess of 6 hours prior to of following a court appearance, or for any period of time not related to a court appearance. (*Reported as violations of the JJDP Act Jail Removal regulation*).

vii. Number of accused juvenile criminal type offenders securely detained for less than 6 hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody. (*Reported as violations of the JJDP Act Jail Removal regulation*).

viii. Juvenile securely detained in an adult jail or lockup pursuant to public authority as a disposition or as a means of behavior modification, within sight and sound contact of incarcerated adults. Commonly referred to as ‘Shape Up’ or ‘Scared Straight’. (*Reported as violations of the JJDP Act Sight/Sound Separation regulation*).

c. Adult Correctional Facilities

i. Any juvenile placed inside an adult correctional facility pursuant to public authority as a disposition or as a means of behavior modification. Commonly

referred to as ‘Shape Up’ or ‘Scared Straight’. (*Reported as violations of the JJDP Act Sight/Sound Separation regulation*).

d. Court Holding Facilities

i. All verified cases of sight and/or sound contact between adults and juveniles in detention. *(Reported as violation of the JJDP Act Sight/Sound Separation regulation).*

Procedure(s)

A. Juvenile Detention/Correctional Centers

1. These facilities usually maintain a database (CORIS) which documents all juveniles entering and exiting their facilities. Determine if it is compatible with the OJJDP definitions and record keeping requirements.

2. The CCM will collect data as outlined under the ‘data sets’ of this policy for those facilities that qualify as Juvenile Detention/Correctional Centers.

3. These facilities will have on-site data verification performed annually. Individual case files are pulled from records, in the case of a status offender who has been placed in detention, the court docket number and Judge’s name will be recorded so that VCO’s may be verified with the court records.

4. On or before February 1st of each year, the Juvenile Detention Center Superintendent, the Regional Directors, the Director and the Chief Juvenile Court Judge will receive a year end report on the status of compliance with the JJDP Act.

B. Adult Jails and Adult Lockups

1. During on-site inspections the CCM will verify all data received via the Holding Facility/SDA Monthly Population Reports (Appendix 1).

   a. Inspections will be scheduled, weather permitting, at facilities when elevated risk factors and juvenile detention cases occur. When and where these inspections should occur can be determined by the archived Holding Facility/SDA Monthly Population Reports (Appendix 1).

   b. The total number of facility’s inspected and reported to OJJDP will only be those inspected during the calendar year.

2. Information on juveniles detained as adults should be documented by the facility and collected by the CCM. This information is compiled annually for the State Advisory Group (SAG).

3. In cases where additional information is required, the CCM will verify the population report entries against individual case files at the facility or the court. Additional sources of information may include Probation or the Department of Health and Human Services (DHHS).

4. The CCM will place all Holding Facility/SDA Monthly Population Reports (Appendix 1) in the individual facility files. These reports will be collected in the facility files until the calendar year has come to a close, and the OJJDP annual report has been submitted. Once the OJJDP annual report has been submitted, the population reports will be maintained in archives for a minimum of 5 years.

5. On or before February 1st of each year all law enforcement agencies will receive a year end report on the status of compliance with the JJDP Act.

C. District Courts (To verify the VCO)

1. Once the docket number and Judge name is obtained on status offenders that have been placed in secure Juvenile Detention/Correctional Facilities, the CCM will schedule a records review with the District Court clerk.

2. Individual case files must be reviewed to ensure that the VCO is followed. 100% of VCO's will be verified.

D. Non-Reporting Agencies

1. Agencies that are negligent in submitting Holding Facility/SDA Monthly Population Reports (Appendix 1) will be sent a violation letter citing the provisions contained in **Maine Title 34-A, section 1208** (Appendix 5). If these agencies continue to be unresponsive, they will be classified as non-reporting in the OJJDP annual report. The number of juveniles detained as well as the violations will therefore be 'projected' using the following procedure.

2. The CCM will determine which county or city is most demographically consistent with the location of the non-reporting facility. Criteria used will be: size, location (urban, suburban, rural), juvenile population in the area, and the number of law enforcement officers employed by the county or city.

3. The number of violations and juveniles in secure detention from the similar county or city facility will be used to determine the appropriate 'projections' for the non-reporting facility. This information will be documented in all CCM charts as "projected".

4. The projection formula will be indicated anywhere necessary in the Annual OJJDP Compliance Report.

Terminology

Interstate Compact. Through means of joint and cooperative action among the compacting states, preserves child welfare and promotes public safety interests of citizens, including victims of juvenile offenders, by providing enhanced accountability, enforcement, visibility, and communication in the return of juveniles who have left their state of residence without permission and in the cooperative supervision of delinquent juveniles who travel or relocate across state lines.

Scared Straight/Shape Up. Organized visits to prison facilities by juvenile delinquents or children at risk for becoming delinquent. The programs are designed to deter participants from future offending by providing first-hand observations of prison life and interaction with adult inmates.

Youth Handgun Safety Act of 1994. Generally bans possession of handguns by people under age 18, and prohibits adults from transferring handguns to juveniles.

Attachments

Appendix 1 (pg 76)
Appendix 5 (pg 83)

Policy Title:	INSPECTION OF FACILITIES			Prepared and Authorized by:	Ryan Andersen
Policy Number:	3.0	Effective Date:	January, 2012	Review Date:	
Purpose:	Inspection of facilities is required to classify according to Federal Regulations and to establish whether adequate sight and sound separation exists for juveniles detained in facilities which also confine adult offenders. Such inspections are necessary to provide the protections defined by the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act) and to determine whether adequate data are is maintained to determine compliance with the three statutory core requirements. The inspection reporting process will include a method of indicating compliance with the separation requirement for each secure facility which may detain both juvenile and adult offenders. Details of each facility's compliance will be made available to the facility as a record of findings from the inspection. Each facility will have an individual file, located in the State Correctional Compliance Monitor's (CCM) office, and on disk appropriately named Facility File.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974 as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 34-A, section 1208, Wisconsin Office of Justice Assistance				

Policy

Each facility file will contain the following:

I. State of Maine Facility Classification Form (Appendix 4).

II. Correspondence with the facility.

III. Holding Facility/SDA Monthly Population Reports (Appendix 1).

IV. Annual Facility Tally Sheets (Appendix 2).

V. Federal Compliance Violation Notice(s) (if applicable) (Appendix 3).

VI. Copies of booking/intake logs.

VII. Copy of evacuation plan.

VIII. Facility policies related to juvenile arrest and/or detention (if applicable).

IX. Facility schematics.

X. Photographs of relevant facility structures, juvenile holding area(s).

Process

A. It is important that all facility administrators and/or contacts be provided with all applicable information on achieving compliance with the JJDP Act and related

regulations. During each on-site inspection, the CCM will make available a manual for the detention of juveniles which will contain, at a minimum:

1. The OJJDP Consolidated Federal Register of 1996

2. An overview of the JJDP Act and purpose of the core requirements.

3. The federal definition of terms used exclusively for JJDP Act compliance.

4. An explanation of the JJDP Act core requirements and how they relate to different facility classifications. This explanation should illustrate how lockups, adult jails, court holding facilities and juvenile detention centers can respectively be found in violation.

5. Information on the federal Valid Court Order (VCO).

6. References to the Maine Juvenile Code as appropriate.

7. An explanation of what constitutes secure and non-secure custody and how the JJDP Act core requirements relate to each.

8. An exemplary sample of Law Enforcement General Orders or Policies regarding Detention Procedures.

9. Information on Temporary Holding Policies, and Collocated Facility Policies.

10. The state and local consequences of non-compliance with the JJDP Act.

11. A sample Juvenile Detention Log (Appendix 1).

B. The CCM represents the State Advisory Group (SAG), and as such, should have available, information regarding funding opportunities through the State Planning Agency (SPA/Maine Department of Corrections) or other resources. This not only provides the facility administrator and/or contact with valuable information but serves to develop and maintain the necessary working relationships between the agency and the CCM.

C. The CCM will annually inspect certain facilities to ensure an accurate assessment of each facility's classification and record keeping. The inspection will include:

1. A review of the physical accommodations to determine whether the facility should be classified as secure or non-secure, especially if a recent architectural change has been made.

2. A thorough tour of the facility to determine compliance with **Maine Title 34-A, section 1208** (Appendix 5). Note: This statute is consistent with the JJDP Act regarding sight/sound separation measures.

3. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with **223 (a) (11), (12), (13), and (23).**

4. An inspection report addressed to the facility administrator listing, if necessary, violations that need to be addressed, and methods for corrective action.

D. The basic requirement per OJJDP regulations is that each state should have in place, a statistically sound method of inspecting at minimum 10% of facilities annually, and 100% over a three year cycle. The following guidelines will be used in determining which facilities will receive an on-site inspection and the rate that it will occur.

Facility Type	Guidelines
Adult Correctional Facilities	Security Status: Secure ☒ Non-Secure ☐
	Oversight: Public ☒ Private ☐
	Occupants: Adult ☒ Juvenile ☐
	Applicable Regulations: DSO ☐ S/S Separation ☒ JR ☐
	Inspection Rate: 100% (Annually) ☒ 100% (Three Years) ☐
Juvenile Detention/Correctional Centers	Security Status: Secure ☒ Non-Secure ☐
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☐ Juvenile ☒
	Applicable Regulations: DSO ☒ S/S Separation ☒ JR ☐
	Inspection Rate: 100% (Annually) ☒ 100% (Three Years) ☐
Jails, Lockups, Temporary Holding Facilities	Security Status: Secure ☒ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☒ Juvenile ☒
	Applicable Regulations: DSO ☒ S/S Separation ☒ JR ☒
	Inspection Rate: 100% (Annually) ☒ 100% (Three Years) ☐
Mental Health Facilities	Security Status: Secure ☒ Non-Secure ☐
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☒ Juvenile ☒
	Applicable Regulations: DSO ☒ S/S Separation ☐ JR ☐
	Inspection Rate: 100% (Annually) ☒ 100% (Three Years) ☐
Residential Treatment Centers	Security Status: Secure ☒ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☐ Juvenile ☒
	Applicable Regulations: DSO ☐ S/S Separation ☐ JR ☐
	Inspection Rate: 100% (Annually) ☐ 100% (Three Years) ☒
Group Homes, Homeless Shelters	Security Status: Secure ☐ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☐ Juvenile ☒
	Applicable Regulations: DSO ☐ S/S Separation ☐ JR ☐
	Inspection Rate: 100% (Annually) ☐ 100% (Three Years) ☒
Detox or other Substance Abuse Facilities	Security Status: Secure ☒ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☐ Juvenile ☒
	Applicable Regulations: DSO ☐ S/S Separation ☐ JR ☐
	Inspection Rate: 100% (Annually) ☐ 100% (Three Years) ☒
Airports	Security Status: Secure ☒ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☒ Juvenile ☒
	Applicable Regulations: DSO ☐ S/S Separation ☐ JR ☐

	Inspection Rate: 100% (Annually) ☐ 100% (Three Years) ☒
Regional Shopping Malls	Security Status: Secure ☒ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☒ Juvenile ☒
	Applicable Regulations: DSO ☐ S/S Separation ☐ JR ☐
	Inspection Rate: 100% (Annually) ☐ 100% (Three Years) ☒
Sporting Complexes	Security Status: Secure ☒ Non-Secure ☒
	Oversight: Public ☒ Private ☒
	Occupants: Adult ☒ Juvenile ☒
	Applicable Regulations: DSO ☐ S/S Separation ☐ JR ☐
	Inspection Rate: 100% (Annually) ☒ 100% (Three Years) ☒
Schools	Not applicable due to State of Maine Fire Codes
Federal Facilities	Not subject to State Inspection for purposes of the JJDPA
Other Applicable Facilities	If classified as secure, subject to an annual inspection and data collection/verification

Procedure(s)

A. The CCM, at least 5 days prior to an on-site inspection, will notify the agency administrator or designee of the date and time of inspection. This will be done with the intention of maintaining a formidable working relationship. However, if an agency is unwilling to permit an on-site inspection, in accordance with the authority and provisions contained in **Maine Title 34-A, section 1208** (Appendix 5) the CCM, "may inspect a county or municipal detention facility at anytime, without prior notice, to determine compliance with standards."

   1. The CCM will be responsible for documenting when each facility was last visited and/or inspected. These records will be included with the data obtained for that monitoring year and all will be submitted in the OJJDP Annual Report.

B. The CCM will determine the adequacy of juvenile record keeping in each secure facility. OJJDP requires data verification which is unique to each facility; however, the CCM should always be able to verify data by reviewing a juvenile arrest record or detention log. A thorough review of facility record keeping will be conducted to ensure that all facilities maintain records consistent with OJJDP Rules and Regulations and should, at a minimum, include:

1. Name or ID Number.

2. Date of Birth, Sex, Race, and Ethnicity (To determine age, and identify areas where Disproportionate Minority Contact (DMC) may exist).

3. Most Serious Offense juvenile is being detained on (To determine compliance with the DSO regulation in the event a juvenile was picked up, for example, on both runaway and shoplifting charges).

4. Date and time of admission into secure detention (To determine compliance with the Jail Removal regulation).

5. Date and time of release from secure detention (To determine compliance with the Jail Removal regulation).

6. Name and relationship of person, or agency to who the juvenile was released.

7. Court times if applicable (To determine compliance with the Jail Removal regulation).

8. Admission and release times of adult offenders (To determine compliance with the Sight/Sound Separation regulation). However, these records may be reviewed on-site to determine compliance in lieu of collecting adult data.

C. At all facilities capable of adult and juvenile detention, an adequate system for Sight/Sound Separation must be achieved for compliance to the JJDP Act. Sight/Sound Separation is also required pursuant to **Maine Title 34-A, section 1208** (Appendix 5). The types of resources that will be used in determining Sight/Sound Separation will include:

   1. A thorough walk through of the facility, targeting all areas that a juvenile and/or an adult offender would be exposed to.

   2. Agency Policies and Procedures regarding juvenile detention (Obtained by the CCM and placed in the facility file).

   3. Facility schematics outlining designated juvenile and adult areas. For juveniles make note of secure and non-secure areas used.

D. The CCM will be available to provide technical assistance to those facilities not in compliance with record keeping and/or sight/sound separation requirements. To ensure compliance with the sight/sound separation requirement via the physical attributes of the facility, pursuant to **Maine Title 34-A, section 1208** (Appendix 5), “Key planning and design documents shall be submitted to the Department for review and comment”.

   1. In cases where there is non-cooperation from an agency in aligning their operations to JJDP Act Regulations, it will be brought to the prompt attention of the State Juvenile Justice Specialist (JJS) by the CCM to discuss further action. How data will be projected for non-reporting facilities will be resolved pursuant to the **Data Collection and Verification Policy 2.4**.

2. All facilities capable of holding juveniles in secure detention will be subject to data collection/verification and on-site inspection.

3. Any secure adult jails or lockups decertified of juvenile detention or have policies and procedures on file prohibiting juvenile detention will not be required to submit Facility Holding/SDA Monthly Population Reports (Appendix 1). However detention records at all secure facilities will be reviewed annually to ensure validity of decertification and agency policies and procedures.

Terminology

Disproportionate Minority Contact (DMC). In 1988, Congress amended the federal Juvenile Justice and Delinquency Prevention Act (JJPD Act) requiring states to address the overrepresentation of minorities in the juvenile justice system. This amendment directed each state to determine whether minority groups - defined as African American, American Indian, Asian, Pacific Islander, and Hispanic - were detained or confined in secure detention facilities, secure correctional facilities, jails or lockups at a rate that *exceeds the proportion of such groups in the general population*. Congress further required that each state identify what efforts were being made to address this disproportionate representation.

Attachments

Appendix 1 (pg 76)
Appendix 2 (pg 78)
Appendix 3 (pg 80)
Appendix 4 (pg 81)
Appendix 5 (pg 83)

Policy Title:	BOUND OVER AND WAIVED JUVENILES			Prepared and Authorized by:	Ryan Andersen
Policy Number:	3.1	Effective Date:	January, 2012	Review Date:	
Purpose:	The State Correctional Compliance Monitor (CCM) will not monitor juvenile cases that have been bound over, waived, or transferred to adult court by the Judge, or filed on in adult court by the District Attorney's office.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act), Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 15 § 3101				

Policy

It is the responsibility of the CCM to determine if a juvenile's case is under the jurisdiction of the Juvenile Court or Adult Court.

See **Maine Criminal Statutes Title 15 § 3101. Jurisdiction.**

Procedure(s)

If criminal felony charges have been filed against a juvenile in a court exercising criminal jurisdiction, the juvenile can be detained in an adult jail or lockup. The jail and lockup removal requirement does not apply to those juveniles formally bound over or waived to criminal court and against whom criminal felony charges have been filed or to juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been invoked through the filing of criminal felony charges. Note that bind over or waiver and the filing of criminal felony charges do not transform a juvenile into an adult. Therefore, such a juvenile can be detained (or confined after conviction) in a juvenile facility and commingled with juvenile offenders.

A juvenile who has been bound over or waived or is otherwise under the jurisdiction of a criminal court does not have to be separated from adult criminal offenders. This is due to the fact that such a juvenile is not alleged to be or found to be delinquent (i.e. the juvenile is under a criminal proceeding, not a delinquency proceeding). Likewise, an adult held in an adult jail or lockup for delinquency proceeding (generally related to a crime committed before reaching the age of full criminal responsibility) can be held securely in an adult jail or lockup because the adult is not a juvenile alleged to be or found to be delinquent. Both types of individuals can be placed wherever the legislature or court, where authorized, deem appropriate.

Terminology

Bind Over Hearing. "Bind over hearing" means a hearing at which the juvenile court determines whether or not to permit the State to proceed against a juvenile as if he were an adult.

Attachments

N/A

Policy Title:	DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)			Prepared and Authorized by:	Ryan Andersen
Policy Number:	3.2	Effective Date:	January, 2012	Review Date:	
Purpose:	The Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act) states that no status offender or non-offender may be placed in secure detention facilities. However, the JJDP Act provides statutory exceptions and the federal regulations provide a regulatory exception. Both exceptions only apply to Juvenile Detention/Correctional Centers.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 15 §3103, §3501				

Policy

The DSO core requirement has been part of the JJDP Act since it's inception in 1974. The principles are as follows:

I. Detention of status offenders and non-offenders in secure confinement, although expedient, is an inappropriate strategy for handling juveniles who have not engaged in any criminal behavior. Additionally, this conduct is a violation of Maine law.

Maine Criminal Statutes

15 §3103. JUVENILE CRIMES

1. Definition. The term "juvenile crime," as used in this Part, means the following offenses:

A. Conduct that, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, except for those provisions of Titles 12 and 29-A not specifically included in paragraphs E and F; [1995,c.65,Pt.A,§45(AMD);1995,c. 65,Pt.A,§153(AFF); 1995,c.65,Pt.C,§15(AFF).]

B. Offenses involving illegal drugs or drug paraphernalia as follows:

(1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, section 2383-B, subsection 5; (2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and

(3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2; [2003,c.305,§1 RPR).]

C. Offenses involving intoxicating liquor, as provided in Title 28-A, sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087; [2003,c.305,§2(AMD).]

C-1. [1995,c.470,§2(RP).]

D. If a juvenile is adjudicated to have committed an action described in paragraph B or C willful refusal to pay a resulting fine or willful violation of the terms of a resulting probation; [1995,c.470,§3(AMD).]

E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223; [2003,c. 414,Pt.B,§29(AMD);2003,c.614,§9(AFF).]

F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes; (2003,c.410,§5(AMD).]

G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A; and [2003,c.688,Pt.A,§12(RPR).]

H. If a juvenile has been convicted of a crime for a violation of a provision of Title 12 or 29-A not specifically included in paragraph E or F, willful refusal to pay a resulting fine or willful violation of the terms of a resulting administrative release or willful failure to comply with the terms of any other resulting court order. [2005,c.328,§5(AMD).] [2005,c.328,§5(AMD).]

2. **Dispositional powers.** All of the dispositional powers of the Juvenile Court provided in section 3314 apply to a juvenile who is adjudicated to have committed a juvenile crime, except that no commitment to a Department of Corrections juvenile correctional facility or period of confinement may be imposed for conduct described in subsection 1, paragraphs B and C. [2007,c.96,§1(AMD).]

15 §3501. INTERIM CARE

1. **Interim care.** A juvenile may be taken into interim care by a law enforcement officer without order by the court when the officer has reasonable grounds to believe that:

A. The juvenile is abandoned, lost or seriously endangered in his surroundings and that immediate removal is necessary for his protection; or [1977,c.520,§1(NEW).]

B. The juvenile has left the care of his parents, guardian or legal custodian without the consent of such person. [1977,c.520,§1(NEW).][1977,c.520,§1(NEW).]

2. **Limit.** Under no circumstances shall any juvenile taken into interim care be held involuntarily for more than 6 hours. [1977,c.520,§1(NEW).]

3. **Interim care, police record.** The taking of a juvenile into interim care pursuant to this section is not an arrest and shall not be designated in any police records as an arrest. [1977,c.520,§1(NEW).]

4. **Notification of parents, guardian or custodian.** When a juvenile is taken into interim care, the law enforcement officer or the Department of Health and Human Services shall, as soon as

possible, notify the juvenile's parent, guardian or legal custodian of the juvenile's whereabouts. If a parent, guardian or legal custodian cannot be located, such notification shall be made to a person with whom the juvenile is residing.
[1981,c.619,§5(AMD);2003,c.689,Pt.B,§6(REV).]

5. **Interim care, placement.**

A. When a law enforcement officer takes a juvenile into interim care, the officer shall contact the Department of Health and Human Services which shall designate a place where the juvenile will be held. [1981,c.619,§6(AMD);2003,c.689,Pt.B,§6(REV).]

B. The law enforcement officer shall take the juvenile to the Department of Health and Human Services or to the location specified by the department without unnecessary delay. [1981,c. 619,§7(AMD);2003,c.689,Pt.B,§6 (REV).]

C. [1981,c.619,§8(RP).][1981,c.619,§§6-8(AMD);2003,c.689,Pt.B,§6 (REV).]

6. (omitted).

7. **Interim care, restriction on placement and transportation**

A. A juvenile taken into interim care may not be placed in a jail or other secure detention or correctional facility intended or used to detain adults accused or convicted of crimes or juveniles accused or adjudicated of juvenile crimes. [1997,c.752,§28 AMD).]

B. Notwithstanding paragraph A, a juvenile taken into interim care may be held, if no other appropriate placement is available, in the public sections of a facility described in section 3203-A, subsection 7, paragraph B if there is an adequate staff to supervise the juvenile's activities at all times or in accordance with section 3203-A, subsection 7-A. [1997,c.752,§29(AMD).]

C. To the extent practicable, a juvenile taken into interim care shall not be placed or transported in any police or other vehicle which at the same time contains an adult under arrest.

I. Historically, status offenders, when handled as delinquents, have been placed in environments that lead to physical and emotional harm.

II. The punishment of status offenders, commonly abused and neglected children, simply represents a continuation of the cycle of mistreatment.

The JJDP Act provides resources for status offenders and non-offenders in lieu of detention. The JJDP Act has federal funds available, for all states achieving compliance, intended for providing at risk youth with a comprehensive continuum of care. The JJDP Act encourages the development and implementation of community based treatment, diversion and delinquency prevention programs as appropriate, cost effective alternatives to secure confinement. The maintenance of this requirement promotes ethical policies concerning status offenders and non-offenders, and it upholds the necessary distinction in treatment strategies for the status offenders and non-offenders opposed to the juvenile criminal type offender.

OJJDP, which regulates compliance, provides for two primary types of exceptions; statutory and reporting exceptions. Reporting exceptions are violations which the Federal Regulations allow states to subtract from the total number of violations via regulatory definitions. Where the OJJDP is silent on an issue, reporting exceptions define the limited circumstances under which a state will not be penalized. Statutory exceptions are defined in the JJDP Act and established by Congress. The OJJDP interpretation is strictly defined by statute.

There are three statutory exceptions:

I. Out of state runaway (When detained pursuant to the Interstate Compact).

II. Possession of a handgun.

III. Valid Court Order (VCO).

Statutory exceptions allow states to remove from consideration, for compliance purposes, offenses that constitute the violation of a Valid Court Order or a violation of Section 922(X) of Title 18 or similar state laws (handgun possession).

Procedure(s)

N/A

Terminology

N/A

Attachments

N/A

Policy Title:	SIGHT AND SOUND SEPARATION			Prepared and Authorized by:	Ryan Andersen
Policy Number:	3.3	Effective Date:	January, 2012	Review Date:	
Purpose:	Provides that no juvenile will be placed in secure confinement where they have contact with incarcerated adults. The Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act) states, "juveniles alleged to be or found to be delinquent, as well as status offenders and non-offenders, will not be detained or confined in any institution in which they have contact with adult inmates." The JJDP Act of 2002 further requires, "there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles."				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 15 §3203-A				

Policy

The sight and sound separation requirement has been part of the JJDP Act since it's inception in 1974. It was passed by Congress in response to the fact that juveniles placed in adult facilities where they had contact with adult inmates and correctional staff were frequently victims of physical, mental, sexual and emotional abuse, and the discovery that juveniles in contact with adult prisoners were exposed to the tools and training necessary to engage in future criminal behavior, therefore leading to future penetration into the justice system.

In addition to protecting juveniles against abuse and corruption, sight and sound separation reinforces acceptable professional guidelines. The separation of juvenile from adult allows for the immediate mobilization of effective, appropriate services for juveniles. The separation requirement maintains the safety of juveniles while focusing attention on their diversion to community resources.

Maine Criminal Statutes

Title 15 §3203, 7-A, A-1, A-2
7. **Restriction on place of detention.** The following restrictions are placed on the facilities in which a juvenile may be detained.

A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

(1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to **Title 34-A, section 1208**; (Appendix 5)

(2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and

(3) Has an adequate staff to provide direct observation and supervise the juvenile's activities at all times during emergency detention.

Juveniles detained in adult-serving facilities may be placed only in the separate juvenile sections that comply with mandatory separation standards established by the Department of Corrections pursuant to **Title 34-A, section 1208**, unless the detainee must be detained with adults as a result of having attained 21 years of age or unless the court orders that the person be detained with adults for any period of detention occurring after the detainee has attained 18 years of age or unless the juvenile is bound over as an adult and held in an adult section of a facility pursuant to court order. [2005, c. 507, §5 (AMD).]

Consolidated Federal Regulation

"The term contact is defined to include any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. A juvenile offender in a secure custody status is one who is physically detained or confined in a locked room or other area set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or area and/or from being physically secured to a cuffing rail or other stationary object. **Sight contact** is defined as clear visual contact between incarcerated adults and juvenile within close proximity to each other. **Sound contact** is defined as direct oral communication between incarcerated adults and juvenile offenders. Separation must be accomplished architecturally or through policies and procedures in all secure areas of the facility which include, but are not limited to, such areas as admissions, sleeping, and shower and toilet areas. Brief and inadvertent or accidental contact between juvenile offenders in a secure custody status and incarcerated adults in secure areas of a facility that are not dedicated to use by juvenile offenders and which are nonresidential, which may include dining, recreational, education, vocational, health care, sally ports or other entry areas, and passageways (hallways), would not require a facility or the State to document or report such contact as a violation. However, any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and incarcerated adults would be a reportable violation."

Additionally, the American Correctional Association, the American Bar Association, and the Bureau of Indian Affairs support standards requiring separation, therefore, the sight and sound separation requirement represents the minimum standard for safe jail policy.

Sight and sound separation along with the additional core requirements do not apply to juveniles bound over or waived to adult court.

Procedure(s)

N/A

Terminology

N/A

Attachments

Appendix 5 (pg 83)

Policy Title:	JAIL REMOVAL			Prepared and Authorized by:	Ryan Andersen
Policy Number:	3.4	Effective Date:	January, 2012	Review Date:	
Purpose:	The Juvenile Justice and Delinquency Prevention Act (JJDP Act) states, "no juvenile shall be detained or confined in any jail or lockup for adults. There are two reporting exceptions located within the Consolidated Federal Register that can be used. (1) Accused criminal type offenders may be detained in a sight and sound separated area for up to 6 hours for processing purposes only. (2) Alleged or adjudicated juvenile criminal type offenders may be detained for up to 6 hours prior to or following a court appearance. See also the Rural Exception in the OJJDP Guidance Manual.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Maine Title 15 §3203, §3205, www.juvjusstice.org, www.nccd-crc.org, www.nyu.edu, www.sheriffs.org,				

Policy

Maine Criminal Statutes

Title 15 § 3205. Juvenile in adult-serving jail

1. Generally. A juvenile may not be committed to or detained or confined in a jail or other secure detention facility intended or primarily used for the detention of adult, except when bound over as an adult or as provided in section 3203-A, subsection 1, paragraph B-1 or section 3203-A, subsection 7. A juvenile who is detained in a jail or other secure detention facility intended or primarily used for the detention of adults may be detained only in a section of the facility that meets the requirements of section 3203-A, subsection 7, paragraph A, unless bound over as an adult and held in an adult section of a facility pursuant to the court order.

Maine Title 15 § 3203, 7-A, A-1, A-2

7. **Restriction on place of detention.** The following restrictions are placed on the facilities in which a juvenile may be detained.

A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

(1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to **Title 34-A, section 1208**; (Appendix 5)

(2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and

(3) Has an adequate staff to provide direct observation and supervise the juvenile's activities at all times during emergency detention.

The Jail Removal core requirement was added to the JJDPA in 1980, in part as a method of addressing the unintended consequence of the separation requirement. In order to meet the separation requirement, many juveniles were detained in solitary confinement for extended periods of time. Research indicated an increase of suicidal behavior in those juveniles detained in adult jails opposed to those detained in juvenile detention/correctional centers.

In order to maximize positive outcomes for juveniles, the sight and sound separation requirement necessitated the addition of the jail removal core requirement. The removal of juveniles from adult jails and lockups is supported by a consensus of research on the appropriate handling of juveniles.

Additionally the National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Sheriffs Association, and the Institute for Judicial Administration recommend or mandate standards that forbid the detention of juveniles in facilities primarily intended for the imprisonment of adult offenders.

The intent of the jail removal core requirement is not to release juveniles who, because of their offenses and history, serve as a threat to public safety, but to divert those juveniles to juvenile detention/correctional centers where they are more likely to receive appropriate age specific treatment and less likely to experience trauma.

Juveniles who are bound over or waived into adult court, or their case is filed directly into adult court are no longer classified under the JJDPA definitions as juvenile and are therefore excluded from the federal regulations.

Procedure(s)

A. Statutory Exception - Juveniles who are bound over or waived into adult court, or their case is filed directly into adult court are no longer classified under the JJDPA definitions as juvenile and are therefore excluded from the federal regulations.

B. Reporting Exception (Six Hour Rule) – Juvenile delinquents (accused and adjudicated) may be detained (if sight and sound separated from incarcerated adults) for up to six hours for identification, processing, and to arrange for release to parents or transfer to a juvenile facility. If the detention is court related, the juvenile(s) may also be detained an additional six hours following an initial court appearance. This allows for secure detention long enough for purposes of identification, processing, investigation, and to arrange release or transfer to a juvenile detention/correctional facility. Prohibited are juveniles sentenced to a jail or lockup.

1. Six Hour Rule – The six hour clock starts the moment a juvenile is placed into secure custody status. Once the clock starts it cannot be turned off, even if the juvenile is removed briefly from the locked setting (bathroom break, interview, etc.). The six hour rule does not apply when:

    a. The juvenile is placed into a locked law enforcement vehicle; or

b. The juvenile is handcuffed/shackled to himself/herself, but not to a stationary object; or

c. The juvenile is in a secure intake/booking area for processing purposes only, is under continuous staff supervision, and is removed from the secure area immediately following the booking process; or

d. The juvenile is placed in an area of the facility that is staff secure, but not architecturally preventing their release from the facility.

2. The six hours prior to a court appearance and after cannot be 'flexed' in any way. For example: secure detention of a juvenile four hours prior, and eight hours after a court appearance is a violation.

C. Juveniles in non-secure custody are not subject to OJJDP regulations.

Terminology

Coalition for Juvenile Justice. Established in 1984, a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.

Institute for Judicial Administration. An organization committed to improving the administration of justice in the federal and state courts. Because of its reputation in the legal community and its relationships with federal and state judges throughout the country, the Institute has offered an unrivaled opportunity for dialogue between policy makers, judges, and academics.

National Council on Crime and Delinquency (NCCD). NCCD was established in 1907. Its earliest work involved expanding the juvenile court movement as a means of keeping children out of the criminal justice system. NCCD also developed model laws and standards to strengthen the newly developing professions of probation and parole. The Council assisted many states in organizing their first juvenile court systems and in developing programs to rehabilitate offenders without resorting to incarceration.

National Sheriffs Association. Chartered in 1940, the National Sheriffs' Association is a professional association dedicated to serving the Office of Sheriff and its affiliates through education, training, and information resources. NSA represents thousands of sheriffs, deputies and other law enforcement, public safety professionals, and concerned citizens nationwide.

Attachments

Appendix 5 (pg 83)

Policy Title:	AGENCY REQUEST FOR OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) OPINION			Prepared and Authorized by:	Ryan Andersen
Policy Number:	3.5	Effective Date:	January, 2012	Review Date:	
Purpose:	Certain situations or issues will arise when an opinion from OJJDP is required. This might be to reinforce the State Correctional Compliance Monitor (CCM) opinion and ruling or might be a request for assistance in interpreting the regulations. For this reason the following policy is provided.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act), Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

A request for an OJJDP opinion should be directed in writing to the OJJDP State Representative (Ricco Hall) from the CCM through the State Juvenile Justice Specialist (JJS). Or, in the case where an agency is requesting an opinion, they may submit that opinion after discussing it with the CCM, and the State Planning Agency (SPA) should be provided a copy of the request for the agency file.

Procedure(s)

A. Prior to writing a letter, the CCM shall discuss the situation with the JJS.

B. If the JJS concurs that a letter requesting an opinion is necessary, the CCM will draft the letter and copy it to the JJS and SAG Chair (Bartlett Stoodley).

C. When a response is received from OJJDP, the CCM will copy the response to the JJS and SAG Chair. A copy of the response will be included in the agency file.

D. If the response in any way results in a change in how compliance monitoring is performed in the State, the appropriate revisions will be made Compliance Monitoring Policy and Procedure Manual no later than the next review date, which must be done at least annually.

Terminology

N/A

Attachments

N/A

Policy Title:	ANNUAL STATE COMPLIANCE REPORT			Prepared and Authorized by:	Ryan Andersen
Policy Number:	4.0	Effective Date:	January, 2012	Review Date:	
Purpose:	Data will be collected from applicable agencies annually. This data will be organized, analyzed, reviewed, and formally documented for submission to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the form of an annual report.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act), as Amended, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Title 34-A, section 1208.				

Policy

Maine Criminal Statutes

Title 34-A, section 1208 (SDA.5, H.7)

> The Holding Facility/SDA Monthly Population Report (Appendix 1) shall be completed for each facility. A copy of the monthly report shall be submitted to the Department of Corrections at the end of each month.

It is the responsibility of the Correctional Compliance Monitor (CCM) to collect, verify, and compile data annually. The CCM will then complete the narrative for the annual report; however, the State Juvenile Justice Specialist (JJS) retains the primary responsibility for the report.

Procedure(s)

A. All data collected for the OJJDP Annual Report will be compiled during the calendar year (January 1st - December 31st). Therefore, only 2012 data will be reflected on the 2012 annual report.

B. All data will have been collected and verified on or before February 28.

C. After all data has been collected and verified the CCM will extract the data that relates to the OJJDP annual report and complete the report.

D. The CCM will provide the statistical table and/or charts necessary to complete the annual report. If needed, the OJJDP Annual Report template can be found on their website (http://www.ojjdp.gov/compliance/).

E. The CCM will submit a draft of the annual report to the JJS for review on or before March 15 or each year. Once the JJS approves the report, three copies of the OJJDP Annual Report will then be submitted to the OJJDP Administrator.

F. The OJJDP Annual Report will be made available to the State Advisory Group (SAG). A copy of the report will then be made available to the public on the SAG website (http://www.maine.gov/corrections/jjag/).

Terminology

N/A

Attachments

Appendix 1 (pg 76)

Policy Title:	CERTIFICATION OF COMPLIANCE WITH TITLE V			Prepared and Authorized by:	Ryan Andersen
Policy Number:	4.1	Effective Date:	January, 2012	Review Date:	
Purpose:	In 1994, Congress stipulated that for a unit of general local government of federally recognized tribe to be eligible to apply to the state for Title V Community Prevention Grant funds, the unit must be certified by the State Advisory Group (SAG) as in compliance with the four core requirements. The unit of local government must obtain this certification prior to applying for an award of funds. In certifying, the unit of local government must be within the de minimus parameters provided in the Juvenile Justice and Delinquency Prevention Act (JJDP Act) regulations, this determination is based on the locality's most current census data.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

The compliance certification applies to all facilities operated by or contracted by the unit of local government. This certification is not limited to a specific catchment area, therefore this certification must also include any facility that is owned, operated or contracted with by the unit of local government.

In order to be in compliance with the JJDP Act Disproportionate Minority Contact (DMC) core requirement, the unit of local government must be cooperating with data gathering and must be making an adequate effort toward addressing this issue individually, or working collaboratively with the State to do such. The level of cooperation must be satisfactory to support efforts to achieve the goals of the JJDP Act DMC core requirement.

After awards are made, the State Correctional Compliance Monitor (CCM) must ensure that these communities continue to comply. As part of the Title V grants program, a plan must be in place which will identify and discontinue all Title V grants that fall out of compliance.

Procedure(s)

A. Annually, the State Juvenile Justice Specialist (JJS) will send out an announcement of available funds, stipulating that prior to receiving an application, interested agencies must first submit a Certification of Compliance (Appendix 10). A list of communities wishing to receive and application will be forwarded to the CCM.

B. The CCM will complete the Certification of Compliance (Appendix 10) based on the most recent twelve months of monitoring data using the most current census figures available.

C. Once the Certification of Compliance (Appendix 10) is complete, it will be forwarded to the JJS and SAG Chair for signature.

D. A copy of the Certification of Compliance (Appendix 10) will be sent to the applicant agency.

E. It is critical that the CCM ensure that the agency administrator is informed of these funding requirements during all on-site visits so they may make every effort to comply.

F. If an applicant agency falls out of compliance, the CCM will notify the JJS and remedial action will be taken. This action may include technical assistance and/or training.

Terminology

N/A

Attachments

Appendix 10 (pg 99)

Policy Title:	REFERENCE FOR COMMONLY ASKED QUESTIONS			Prepared and Authorized by:	Ryan Andersen
Policy Number:	5.0	Effective Date:	January, 2012	Review Date:	
Purpose:	To familiarize the State Correctional Compliance Monitor (CCM) with common compliance monitoring questions that he/she will be faced with.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (JJDP Act), Juvenile Justice and Delinquency Prevention Consolidated Regulation of 1996, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002				

Policy

This policy serves to provide additional guidance.

Procedure(s)

FREQUENTLY ASKED QUESTIONS

A. Deinstitutionalization of Status Offenders (DSO) - **Section 223 (a)(11)(A)** of the JJDP Act. This requirement has been part of the JJDP Act since its inception in 1974. Congress noted that status and non-offenders were being held in adult jails and lockups for long periods of time simply because there were no other placement options. Since these juveniles had not committed a crime they were the first priority to remove from adult jails and lockups.

1. **Q:** Are accused and adjudicated status offenders the same?

   A: No. There is a grace period for accused status offenders if they are detained in a juvenile detention or correctional facility. They may be detained for up to 24 hours before an initial court appearance and up to 24 hours following an initial court appearance, exclusive of weekends and holidays. This only applies to accused status offenders, not adjudicated (sentenced) status offenders. Adjudicated status offenders must have all the elements of a Valid Court Order (VCO) before sentencing or each applicable case will constitute a violation of the DSO regulation in the Annual Report. There is no grace period for adjudicated status offenders. Accused and adjudicated status offenders may never be placed securely in an adult jail or lockup.

2. **Q:** Does a status offender, after violating a VCO, become a delinquent?

   A: No, they are not reclassified as a delinquent nor can they be “upgraded” to a delinquent.

3. **Q:** If possession and/or consumption of alcohol are prohibited by adults (persons between the ages of 18 and 21) are those charges then considered delinquent offenses and not status offenses?

A: No. Juveniles under the age of 18 who consume or possess alcohol are still considered status offenders under DSO. See also the Federal Opinion in the Formula Grants Manual.

4. **Q:** What is the difference between a non-offender and a status offender?

   A: A non-offender is typically a dependent/neglected or abused juvenile whereas a status offender has committed a crime that would not be a crime if committed by an adult (runaway, underage consumption or possession, truancy, curfew violation). A non-offender may not be held in a juvenile detention center under the same "grace" period afforded a status offender, and a non-offender may never be made subject to a VCO and sentenced to a juvenile detention/correctional facility.

5. **Q:** Is possession of a firearm by a juvenile a status offense?

   A: Section 922(x) of U.S.C. Title 18 (Federal Criminal Code), prohibits the possession of a handgun by a juvenile. A juvenile, who violates this statute, or a similar State law, is exempted from the DSO regulation. They are not reported as violations of DSO.

6. **Q:** May a status or non-offender ever be taken to an adult jail or lockup?

   A: Yes. They may be taken to an adult jail or lockup for processing (fingerprints and photo) and placed in a non-secure area awaiting parent or other responsible adult. They may be booked in a secure booking area if they are under the officer's continuous visual supervision and are removed from the booking area immediately following booking, and there may be no other non-secure booking area available.

7. **Q:** If a status offender (or non-offender) is securely detained in an adult jail or lockup, how is this counted as a violation?

   A: In fact, when a status offender or non-offender is securely detained in an adult jail or lockup it is counted twice, once under the DSO regulation and again under the Jail Removal regulation.

8. **Q:** If a status offender or non-offender is placed in a cell, but the door is not locked, is that a violation?

   A: OJJDP's opinion is "a cell is a cell is a cell." Therefore, even if the holding cell door is not locked, it is still documented as a violation of the DSO, and Jail Removal regulations.

9. **Q:** Can a status offender be transported to a law enforcement facility?

   A: Yes, status offenders may be transported and processed in an adult jail where continuous visual supervision is provided throughout the booking process. Continued non-secure custody for the purpose of interrogation, contacting parents or arranging another placement must occur outside the secure booking area.

10. **Q:** Can a juvenile appear before the court because of a petition for mental health commitment, who is ordered committed for treatment of a mental disorder, be placed in a secure mental health facility for treatment purposes?

    A: It is OJJDP's position that all juvenile non-offenders in any category should not be placed in any secure facility. However, for the purposes of monitoring DSO may be interpreted to include within its scope only juveniles who are before a juvenile, family, or other civil court for reasons which are unique to the individual's status as a juvenile. In other words, for the purposes of monitoring, a juvenile committed to a mental health facility under State law governing civil commitment of individuals for mental health treatment would be considered as outside the class of juvenile non-offenders defined by DSO. It should be perfectly clear that these distinctions for monitoring purposes would not permit placement of status offenders and non-offenders in a secure mental health facility following adjudication for a status offense or a court finding that the juvenile is a non-offender. The placement of status offenders or non-offenders in such facility for diagnostic purposes is not allowable. A separate civil mental health commitment proceeding would be required before a status offender or non-offender could be placed in a secure facility and, for monitoring purposes, be outside the scope of DSO. Any placement of such status offender or non -offender must occur only after a full due process hearing is undertaken to protect the rights or the child. The State must assure that juveniles alleged to be or found to be status offenders or non-offenders are not committed under state mental health laws to circumvent the intent DSO.

11. **Q:** At what point does the Judge need to review the non-court, non-law enforcement written report as described in the VCO?

    A: The Judge must review the written report before the issuance of an order for before the issuance of an order for placement in a secure facility.

B. Monitoring for compliance to the JJDP Act - **Section 223 (a)(14)** of the JJDP Act. This requirement charges all participating States to develop a plan and procedure to monitor jails, lockups, juvenile detention/correctional facilities, and non-secure facilities for compliance with the JJDP Act.

1. **Q:** What is a secure facility?

   A: A secure facility is one where the architectural design and/or fixtures prevent an individual from self-release.

2. **Q:** What does "staff secure" mean?

   A: Physical restriction of movement or activity is provided solely through facility staff. It does not include construction fixtures designed to physically restrict the movements and activities of juveniles who are in custody within; it may establish reasonable rules restricting entrance to and egress from the facility and access to the community which govern the conduct of all facility residents and may use intensive staff supervision or other programmatic intervention strategies.

3. **Q:** What is the time frame on the data?

A: The OJJDP Annual Report is due within six months of the close of the monitoring year. OJJDP has designated the calendar year (January 1st – December 31st) as the monitoring year.

4. **Q:** Is a room with a lock on it considered secure?

   A: This would depend on the locking mechanism. If the lock is intended to prevent an individual from entering an office or other space, but does not prevent an individual from freely exiting the area, than this would be considered a non-secure location. Only locks designed to prevent an individual from exiting a room would result in the classification of a secure location.

5. **Q:** If the building perimeter is secure, is a juvenile in the building considered to be in secure custody?

   A: Yes, if the perimeter is secure then a juvenile placed in that building is in secure custody. All the core requirements apply.

6. **Q:** Is a locked booking area considered secure?

   A: No. You can book status offenders in a secure booking area and not log them or count as violations of DSO provided you move them out once the booking is completed. The juvenile must be in the presence of a law enforcement officer during the entire booking process, there must be no other non-secure booking area available, and the juvenile must be removed from the secure booking area once the booking process is completed.

7. **Q:** What is the exact time frame on the 6 hour rule?

   A: A delinquent becomes a violation after 6 hours and 1 minute.

8. **Q:** On DSO, when does the clock start?

   A: The clock stops at 5:00 p.m. on Friday (or when the court closes for the day) and resumes at 9:00 a.m. on Monday (or when the court resumes for the d ay). If a juvenile were brought to a juvenile detention center at 7:00 p.m. Friday, the clock would not start until 9:00 a.m. on Monday morning as weekends and legal holidays are excluded from the time frame. Holidays are only legally recognized holidays.

9. **Q:** What about time-released locks?

   A: It is considered non-secure if there is a delay of up to 30 seconds.

10. **Q:** Define what the Monitoring Universe should consist of, especially what types of public and private facilities, other than detention centers and secure law enforcement facilities, that should be monitored and under what circumstances could they be excluded?

    A: The identification of the Monitoring Universe refers to identifying all facilities which might hold juveniles pursuant to public authority and therefore should be classified to determine if each should be included in the other monitoring tasks. This

includes those facilities owned or operated by public or private agencies. A full list should be developed and should include all jails, lockups, detention centers, correctional facilities, group homes, foster homes, and any other secure or non-secure public or private mental health facilities and hospitals, chemical dependency programs, detoxification centers, airports, malls, sporting complexes, court holding facilities, federal facilities, temporary holding facilities, collocated facilities, and emergency shelters. Once all facilities are identified, they are classified. In some cases state law may prohibit placement of juveniles in certain facilities, in some cases another state agency regulates the facilities conduct and/or security level. In these cases the facility would need to be classified annually.

11. **Q:** What is "public authority"?

    A: Any officer, or judge, even if they are paid off-time wages. If the officer has the power to arrest and they are working a second job they are still considered public authority.

12. **Q:** Is electronic monitoring secure or non-secure?

    A: Non-secure.

13. **Q:** How are Native American facilities monitored?

    A: Native American reservations are included in the Monitoring Universe. If they are receiving Native American pass-through funds, the tribes must agree to attempt to comply with the core requirements. If they are not receiving funds they are treated as any other federal agency and are not required to comply. Once of the most effective methods for compliance is building relationships, offering technical assistance, providing information on liability issues and assisting people in developing a comprehensive juvenile justice strategy.

14. **Q:** If a city does not have a lockup and contracts with the county to detain juveniles, should the department be part of the universe?

    A: The department should be part of the universe and must be classified annually. The classification process should include an on-site visit periodically to determine if they are still non-secure. If they are non-secure, records do not need to be maintained.

15. **Q:** How many cases do you need to verify on VCO?

    A: 10%, or, if there are not that many (50) then verify 100%.

16. **Q:** Are court holding facilities subject to DSO and Jail Removal regulations?

    A: No. They are only subject to Sight and Separation, provided they meet the criteria for court holding. See Non-Secure regulation, 1988.

17. **Q:** How do you verify information on logs?

A: Verification may require that the CCM verify records in several locations. At detention centers you may need to go to the court. At police departments you may need to check in the file or on the radio log.

18. **Q:** How can I get facilities to fill out logs completely and what is the best way to deal with a site that is not very cooperative?

    A: Facilities report accurate information for several reasons. If completing the logs only adds to their workload but serves no purpose for them seek methods to reframe the reporting so it provides you with the information you need while enhancing their internal operation. Provide them with reasons to collect the information, for example, it can reduce liability and/or provide accurate admission records. If they are not cooperative, gain an understanding of their concerns during your exit interview. They may just be venting their frustration with the requirements. Bring materials to the next on-site that are helpful. Become a resource. Understand their concerns.

19. **Q:** Which agencies should be included in compliance site visits?

    A: All facilities that detain juveniles securely pursuant to public authority should be included in compliance onsite visits. Facilities that do not have secure facilities, but whose status may change due to the nature of their work, should be monitored periodically to ensure they are still non-secure.

20. **Q:** If a Judge orders a juvenile to jail is that still a violation?

    A: Yes, court orders do not exempt facilities from compliance with the requirements. A juvenile may be held for up to 6 hours before court and 6 hours after court if they are a delinquent. If they are a status offender they may not be held for any period of time. Anytime a Judge sentences a status offender or delinquent to an adult jail or lockup a violation will be documented. In the case of the status offender it is a violation of the DSO and Jail Removal regulations. In the case of a delinquent, it is a violation of the Jail Removal regulation.

21. **Q:** Is it a violation if a juvenile lies about their age and is detained with the adult population until it is later discovered they are really a juvenile?

    A: If a juvenile lies about their age and local law enforcement acts in good faith and corrects the situation immediately upon receipt of accurate information although a violation has occurred it does not need to be recorded as such. If law enforcement does not correct the situation immediately then a violation should be documented.

22. **Q:** Is a juvenile waived to adult court exempt from the requirements?

    A: Yes. The waiver or direct-filing must precede a juvenile's placement in a secure adult facility. OJJDP further requires that the charge be a felony.

23. **Q:** If a juvenile is in non-secure custody do they need to be logged?

    A: No. See non-secure custody requirements first to make sure the juvenile is really in non-secure custody. If they are not, they should not be listed on the Juvenile Detention Log (Appendix 1).

24. **Q:** Is the passage of state legislation sufficient in exempting states from monitoring?

    A: No. Simply because a State has legislation it does not exempt them.

Terminology

N/A

Attachments

Appendix 1 (pg 76)

Policy Title:	APPENDICES			Prepared and Authorized by:	Ryan Andersen
Policy Number:	6.0	Effective Date:	January, 2012	Review Date:	
Purpose:	To provide visual aids and reference material with the intent of assisting the State Correctional Compliance Monitor (CCM) in successfully completing the monitoring duties.				
Reference(s):	Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, Title 34-A, section 1208.				

Appendix 1
(Holding Facility/SDA Monthly Population Report)

MAINE DEPARTMENT OF CORRECTIONS
HOLDING FACILITY/SDA MONTHLY POPULATION REPORT

Facility: _____ **Month/Year:** _____ **Completed By:** _____

Name: Last, First	DOB Example: xx/xx/xx	Please Check One: Adult	Please Check One: Juvenile	Offense Most Serious	Sex: Male	Sex: Female	Race	Ethnicity Hispanic?	Date/ Time In Secure Custody Example: xx/xx/xx-xxxx (Date –Time)	Date/ Time Released Example: xx/xx/xx-xxxx (Date –Time)	Released to:	Juvenile Only (Hours Held): Nonsecure	Juvenile Only (Hours Held): Emergency Detention
		☐	☐		☐	☐		☐					
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		☐	☐		☐	☐		☐					
		☐	☐		☐	☐		☐					

Race: A=Asian B=African American C=Caucasian H=Hispanic I=American Indian O=Other

Questions? Contact Nate Gagnon at (207) 287-4506 or Nathan.Gagnon@maine.gov

DRAFT

1. **Secure Custody - Any form of physical architecture preventing self-release (exterior fence, holding cell, locked door(s), cuffing bench/ring, etc.)**

Note: A transport vehicle is NOT considered a secured setting.

2. Delinquents may only be securely detained for up to 6 hours, or, for 6 hours before court and 6 hours after court. Once the 6 hour clock starts, it cannot be turned off until the juvenile is transferred to a juvenile detention center, or has been released from custody altogether.

3. Status Offenders (runaway, curfew, truancy, tobacco possession/consumption) and Non-Offenders may **NOT** be placed in secure detention.

CONFIDENTIAL

Questions? Contact Nate Gagnon at (207) 287-4506 or Nathan.Gagnon@maine.gov

Appendix 2
(Facility Tally Sheet)

Maine Department of Corrections
Juvenile Data Sheet

Police Departments	Data Received (Month)												# In Custody		Sex		Race/Ethnicity							Secure Detention (Hours)			Violation(s)		
	1	2	3	4	5	6	7	8	9	10	11	12	Nonsecure	Secure	M	F	W	B	A	NA	NH	O	H	6<48	6<48<24	6<48<48	DSO	JR	SS
Bar Harbor PD	X	X											0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Bath PD	X	X											3	0	3	0	3	0	0	0	0	0	0	0			0	0	0
Berwick PD	X	X	X										1	9	9	1	10	0	0	0	0	0	0	0			0	0	0
Biddeford PD	X	X	X										1	1	0	2	2	0	0	0	0	0	0	0			0	0	0
Bridgton PD		X											0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Brunswick PD	X	X											0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Calais PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Camden PD		X											0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Caribou PD	X	X											0	1	0	1	1	0	0	0	0	0	0	0			0	0	0
Eliot PD	\	\	\										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Fort Fairfield PD													0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Fort Kent PD	X	X											0	1	0	1	1	0	0	0	0	0	0	0			0	0	0
Freeport PD	X	X	X										0	2	2	0	2	0	0	0	0	0	0	0			0	0	0
Jay PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Kennebunk PD	X	X											0	1	0	1	1	0	0	0	0	0	0	0			0	0	0
Kennebunkport PD	\	\	\										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Kittery PD	X	X											0	1	1	0	1	0	0	0	0	0	0	0			0	0	0
Lisbon PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Madawaska PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Ogunquit PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Old Orchard Beach PD	X												0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Richmond PD													0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Rumford PD	X	X	X										0	3	3	0	3	0	0	0	0	0	0	0			0	0	0
Saco PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Sanford PD	X	X	X										0	2	1	1	2	0	0	0	0	0	0	0			0	0	0
South Berwick PD	X												0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
South Portland PD	X	X											0	1	1	0	0	0	0	0	0	0	0	0			0	0	0
Topsham PD	X												0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Van Buren PD													0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Waterville PD	X	X	X										0	4	4	0	4	0	0	0	0	0	0	0			0	0	0
Wells PD	X	X	X										0	1	1	0	1	0	0	0	0	0	0	0			0	0	0
Windham PD	X	X											0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Winslow PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Winthrop PD	X	X											0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Yarmouth PD	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
York PD	X	X											2	0	2	0	1	0	0	0	0	0	1	0			0	0	0
Totals (Municipal)													**7**	**27**	**27**	**7**	**32**	**0**	**0**	**0**	**0**	**0**	**1**	**0**			**0**	**0**	**0**
County Jails																													
Aroostook													0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cumberland	X	X											3	0	3	0	2	1	0	0	0	0	0	0			0	0	0
Hancock	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0			0	0	0
Kennebec	X		X										0	2	2	0	2	0	0	0	0	0	0	0			0	0	0
Penobscot	X	X	X										2	0	2	0	2	0	0	0	0	0	0	0			0	0	0
Washington	X	X	X										0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals (County)													**5**	**2**	**7**	**0**	**6**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Totals (All)													**12**	**29**	**34**	**7**	**38**	**1**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**
								Total (Custody)					**41**																
	Agency								**Date**				**Type**	**Agency Response**															

4/28/2015

Maine Department of Corrections
Juvenile Data Sheet

JJDP Act Violations:				
Race/Ethnicity Categories:	A = Asian (China, Japan, India, Southeast Asia)		Violation Categories:	DSO = Deinstitutionalization of Status Offenders
	B = Black or African American			JR = Jail Removal
	NA = Native American, Eskimo, or Aleut			SS = Sight/Sound Separation
	NH = Native Hawaiian or Pacific Islander			
	W = White (European, Middle Eastern, South African)			
	O = Other			
	H = Hispanic			

4/28/2015

Appendix 3
(Federal Regulatory Violation Notice)

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA MAINE
04333-0111

PAUL R. LEPAGE
GOVERNOR

JOSEPH PONTE
COMMISSIONER

Federal Regulatory Violation Notice
Juvenile Justice and Delinquency Prevention Act of 1974, as Amended

CURRENT DATE:

AGENCY NAME:

AGENCY ADDRESS:

AGENCY ADMINISTRATOR:

DATE OF VIOLATION(S):

VIOLATION NARRATIVE:

REASON FOR VIOLATION:

INVESTIGATIVE DATE:

SUGGESTED ACTION:

EXPLANATION OF GRANT FUNDING:

(Original to Facility Administrator and Copy to Agency File)

PHONE: (207) 287-2711 TTY: (207) 287-4472 FAX: (207) 287-4370

Appendix 4
(Facility Classification Form)

Maine Department of Corrections
Law Enforcement Facility Classification

Agency (Facility): Date (On-Site):
Facility Address:
Mailing Address (If Different):
Contact Name and Title:
Phone: Fax: E-Mail:
County: Judicial District:

Facility Identification:

☐ Adult Prison ☐ Juvenile Detention/Correctional Center ☐ Collocated Facility ☐ Adult Jail
☐ Sheriff's Office ☐ Adult Lockup ☐ Police Department ☐ Court Holding ☐ THR
☐ Warden Service ☐ Other: _____

Security Features:

☐ Exterior Fence/Wall ☐ Holding Cell(s) ☐ Locked Door(s) ☐ Cuffing Bench
☐ Cuffing Ring ☐ Other: _____
☐ NONE

Security Status:

☐ Secure – Any form of physical architecture preventing self-release.
(IE Exterior fence, holding cell, locked door, cuffing bench/ring, etc.)
☐ Non-Secure
Do Policies and Procedures exist prohibiting the secured detention of a juvenile in the facility?
☐ YES ☐ NO ☐ N/A

Capacity: ☐ N/A

Classification (MDOC Use Only): Based on the physical characteristics, using State and Federal definitions, and through on-site verification of the Correctional Compliance Monitor, the facility named above is currently classified as:
☐ Secure ☐ Non-Secure
☐ Short-Term Detention Facility (Up To 6 Hours) ☐ Holding Facility (Up To 72 Hours) ☐ N/A

Nathan Gagnon _____
CCM Name (Type or Print) CCM Name (Sign and Date)

Note: In accordance with the authority and provisions contained in **Title 34-A Section 1208**, as a secure detention facility you are required to:

DETENTION AND CORRECTIONAL STANDARDS FOR MAINE COUNTIES AND MUNICIPALITIES

Nathan.Gagnon@maine.gov (207) 287-4506 Revised 01/07/15

SDA.5 The Holding Facility/SDA Monthly Population Report shall be completed and submitted to the Department of Corrections at the end of each month.

Nathan.Gagnon@maine.gov (207) 287-4506 Revised 01/07/15

Appendix 5
(Maine Title 34-A Section 1208)

34-A §1208. STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

The commissioner shall establish standards, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, for county and municipal jails, holding facilities and short-term detention areas, referred to in this section as county and municipal detention facilities, as follows and shall enforce them. [1983, c. 581, §§ 10 and 59 (NEW).]

1. Establishment. The commissioner shall establish both mandatory and desirable standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities. [1983, c. 581, §§ 10 and 59 (NEW) .]

2. Inspections. Inspections of county and municipal detention facilities are governed as follows.

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. [1983, c. 581, §§ 10 and 59 (NEW).]

B. The commissioner shall conduct no fewer than 3 additional inspections of each county and municipal detention facility during the period between each comprehensive inspection, in order to determine continued compliance with standards. [1983, §§ 10 and 59 (NEW).]

C. The commissioner may inspect a county or municipal detention facility at any time, without prior notice, to determine compliance with standards. [1983, c. 581, §§ 10 and 59 (NEW).]

C-1. As part of any inspection, the commissioner may access any records, including, but not limited to, the records of persons detained or committed in the facility, as considered necessary by the commissioner in order to determine compliance with standards. [2007, c. 102, §6 (NEW).]

D. The commissioner shall prepare a written report of each inspection and shall send a copy of the report to appropriate county or municipal officials within 15 days after the inspection.

(1) The report shall summarize inspection findings.

(2) The report shall list the standards with which the facility does not comply and set forth the reasons for noncompliance. [1983, c. 581, §§ 10 and 59 (NEW).]

E. The commissioner shall order the non-complying county or municipality to respond to this report in accordance with subsection 3. [1983, c. 581, §§ 10 and 59 (NEW).][2007, c. 102, §6 (AMD) .]

3. Standards compliance. Each county and municipal detention facility shall, unless granted a variance pursuant to subsection 5, comply with the mandatory standards established by the commissioner.

A. Within 60 days from the receipt of an inspection report for each mandatory standard listed in subsection 2, paragraph D, subparagraph (2), the county or municipality shall either:

(1) Correct deficiencies listed in the report and submit to the department a written response listing the corrections made; or

(2) Offer a plan to correct those deficiencies for consideration by the department. [1983, c. 581, §§ 10 and 59 (NEW.]

B. If a county or municipality fails to correct deficiencies and offers no plan of correction, or if the plan of correction offered to the department is determined inadequate by the commissioner, the commissioner shall determine an appropriate action to restrict or modify the operations of the facility, consistent with the nature of the uncorrected deficiencies, which action may include ordering an entire facility closed until the deficiencies have been corrected.

(1) Before any such action is taken, the commissioner shall notify the county or municipality in writing of the planned action and shall offer the opportunity to meet and discuss the planned action.

(2) If a meeting is not requested by the county or municipality within 15 days after the county or municipality receives notice of the planned action, or if a meeting is held and fails

Cont.

to produce a plan of correction acceptable to the commissioner, the commissioner shall take the planned action. [1983, c. 581, §§ 10 and 59 (NEW).] [1983, c. 581, §§ 10 and 59 (NEW) .]

4. Emergency powers. The commissioner may take immediate action in response to noncompliance with a mandatory standard, if the noncompliance is determined to endanger the safety of the staff, inmates or visitors of any county or municipal detention facility.

A. The commissioner's action under this subsection shall expire within 90 days or upon compliance with the mandatory standard. [1983, c. 581, §§ 10 and 59 (NEW).]

B. After having taken action under this section, the commissioner shall send a written inspection report to the affected facility. [1983, c. 581, §§ 10 and 59 (NEW).]

C. The commissioner shall decide what long-term action to take with respect to the affected facility on the basis of county or municipality response to the inspection report and subsequent meetings. [1983,c. 581, §§ 10 and 59 (NEW).][1983, c. 581, §§ 10 and 59 (NEW) .]

5. Variances. The commissioner shall establish written procedures to govern the submission and consideration of requests for variances from established departmental standards, including provisions for department consideration of appeals of decisions.

A. The commissioner may grant a variance only when he determines that the variance will not result in diminishing the safety, health or security of staff, inmates or visitors of a county or municipal detention facility. [1983, c. 581, §§ 10 and 59 (NEW).]

B. The commissioner may grant variances to counties and municipalities for periods of up to 2 years. 1983, c. 581, §§ 10 and 59 (NEW).]

C. County and municipal officials may request variances from mandatory department standards if:

(1) Efforts are underway to achieve compliance and continued failure to comply is only temporary; or

(2) The intent and spirit of the standards may be attained through other means. [1983, c. 581, §§ 10 and 59 (NEW).]

D. The officials applying for a variance have the burden of showing clear justification for the variance. [1983, c. 581, §§ 10 and 59 (NEW).][1983, c. 581, §§ 10 and 59 (NEW) .]

6. Advisory review. The commissioner shall create and maintain a county and municipal detention facility advisory committee.

A. The committee shall consist of representatives of the Department of Corrections, Maine Sheriffs' Association, Maine County Commissioners' Association, Maine Chiefs of Police Association, Attorney General, Legislature and citizens. [1983, c. 581, §§ 10 and 59 (NEW).]

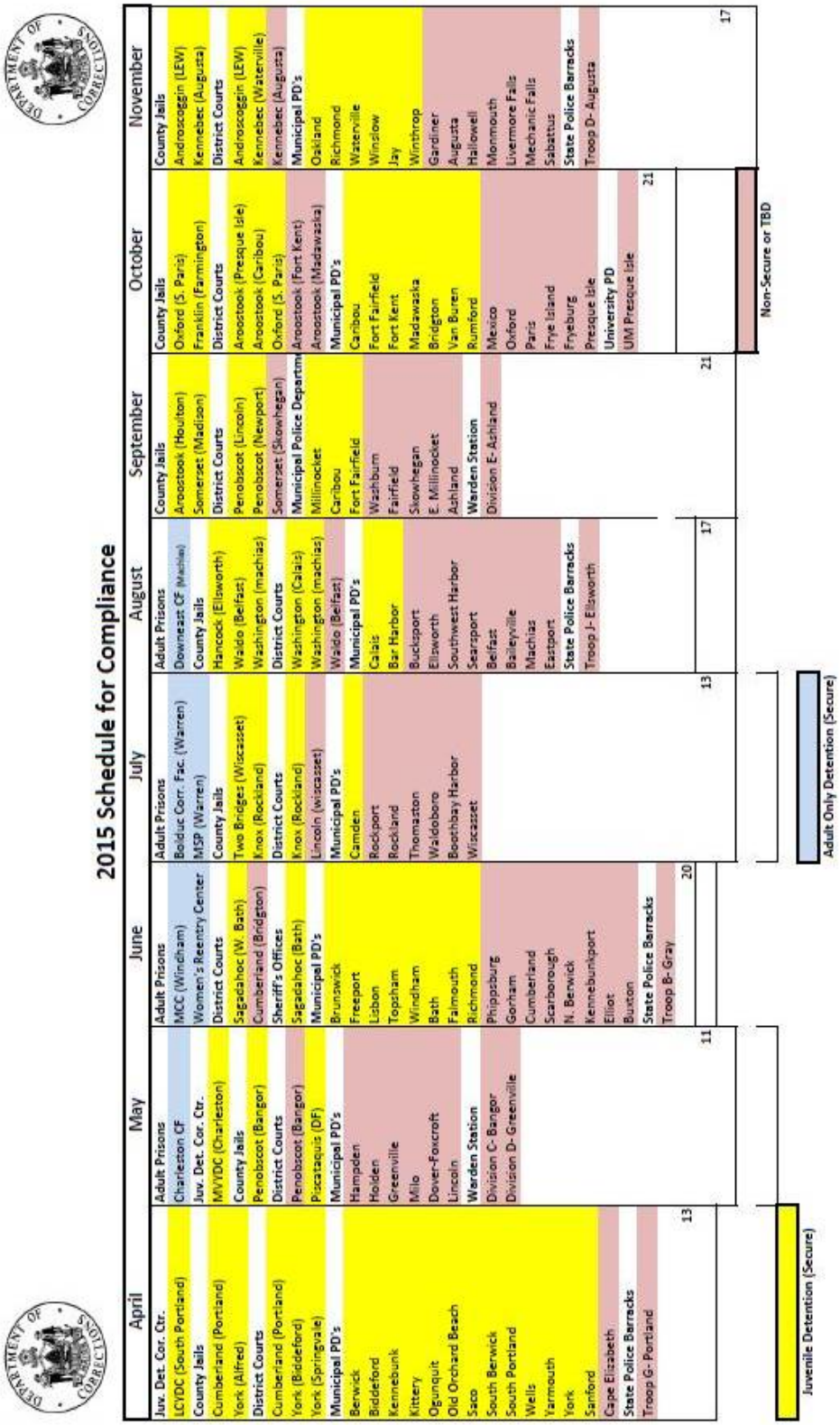
B. The terms of members of this committee shall be one year. [1983, c. 581, §§ 10 and 59 (NEW).]

C. Members of the county and municipal detention facility advisory committee are eligible for reappointment at the expiration of their term. [1983, c. 581, §§ 10 and 59 (NEW).]

D. The commissioner shall consult the committee when promulgating standards and may consult the committee when variances are sought, when actions are contemplated by the commissioner in response to a failure to comply with standards and when the commissioner determines that the consultation is necessary for other reasons. [1983, c. 581, §§ 10 and 59 (NEW).][1983, c. 581, §§ 10 and 59 (NEW) .]

7. Technical assistance. The commissioner may provide technical assistance to county and municipal detention facilities to facilitate compliance with standards.[1983, c. 581, §§ 10 and 59 (NEW) .]SECTION HISTORY1983, c. 581, §§10,59 (NEW). 2007, c. 102, §6 (AMD).

Appendix 6
(2015 Schedule)



Appendix 7
(2015 Compliance Monitor Universe)

MAINE DEPARTMENT OF CORRECTIONS
2015 COMPLIANCE MONITOR UNIVERSE

MAINE DEPARTMENT OF CORRECTIONS
COMPLIANCE MONITOR UNIVERSE

*** = Subject to State Biennium Inspection** (Pursuant to Maine Title 34-A Section 1208)
**** = Decertified From Use of Holding Facilities** (Pursuant to Maine Title 34-A Section 1208)
Note: All Others Subject to Triennium Classification (At Minimum) (Pursuant to the JJDP Act of 1974, as Amended)

Facility	Secure	Non-Secure	Public	Private	Residential	Non-Residential	Juvenile (Occupants)	Adult (Occupants)	On-Site Classification/Inspection (Most Recent)			
Adult Prisons									2012	2013	2014	2015
Bolduc Correctional Facility	☒	☐	☒	☐	☒	☐	☐	☒	N/A (MRSA 17-A §1259)			
Charleston Correctional Facility	☐	☒	☒	☐	☒	☐	☐	☒	N/A (MRSA 17-A §1259)			
Downeast Correctional Facility	☒	☐	☒	☐	☒	☐	☐	☒	N/A (MRSA 17-A §1259)			
Maine Correctional Center	☒	☐	☒	☐	☒	☐	☐	☒	N/A (MRSA 17-A §1259)			
Maine State Prison	☒	☐	☒	☐	☒	☐	☐	☒	N/A (MRSA 17-A §1259)			
Women's Reentry Center	☐	☒	☒	☐	☒	☐	☐	☒	N/A (MRSA 17-A §1259)			
Juv. Detention/Correctional Centers									2012	2013	2014	2015
LCYDC	☒	☐	☒	☐	☒	☐	☒	☐	02/09	10/31		
MVYDC/Young Adult Offenders Program	☒	☐	☒	☐	☒	☐	☒	☐	04/24	09/04	10/30	
State Police Barracks									2012	2013	2014	2015
Troop A (Alfred)	☐	☒	☒	☐	☐	☒	☐	☐		07/15		
Troop B (Gray)	☐	☒	☒	☐	☐	☒	☐	☐		07/15		
Troop C (Skowhegan)	☐	☒	☒	☐	☐	☒	☐	☐		07/29		
Troop D (Augusta)	☐	☒	☒	☐	☐	☒	☐	☐		07/30		
Troop E (Orono)	☐	☒	☒	☐	☐	☒	☐	☐		07/17		
Troop F (Houlton)	☐	☒	☒	☐	☐	☒	☐	☐		10/08		
Troop G (Portland)	☐	☒	☒	☐	☐	☒	☐	☐		07/15		
Troop J (Ellsworth)	☐	☒	☒	☐	☐	☒	☐	☐		07/17		
State Warden Service									2012	2013	2014	2015
Division A (Gray)	☐	☒	☒	☐	☐	☒	☐	☐			01/30	
Division B (Sidney)	☐	☒	☒	☐	☐	☒	☐	☐			01/30	
Division C (Bangor)	☐	☒	☒	☐	☐	☒	☐	☐				
Division D (Greenville)	☐	☒	☒	☐	☐	☒	☐	☐				
Division E (Ashland)	☐	☒	☒	☐	☐	☒	☐	☐	1/4			
College & University Public Safety									2012	2013	2014	2015
UMaine (Farmington)	☐	☒	☒	☐	☐	☒	☐	☐		06/21		2/18
UMaine (Presque Isle)	☐	☒	☒	☐	☐	☒	☐	☐				
UMaine (Orono)	☐	☒	☒	☐	☐	☒	☐	☐		06/12		
University of Southern Maine (Gorham)	☐	☒	☒	☐	☐	☒	☐	☐		06/27		
University of Southern Maine (Portland)	☐	☒	☒	☐	☐	☒	☐	☐		06/21		
Sheriffs Office (Substations)									2012	2013	2014	2015
Androscoggin (Poland)	☐	☒	☒	☐	☐	☒	☐	☐			01/02	
Cumberland (Gray)	☐	☒	☒	☐	☐	☒	☐	☐		11/27		
Cumberland (Harpswell)	☐	☒	☒	☐	☐	☒	☐	☐		11/27		
Cumberland (Naples)	☐	☒	☒	☐	☐	☒	☐	☐		11/27		
Cumberland (North Yarmouth)	☐	☒	☒	☐	☐	☒	☐	☐		11/27		
Cumberland (Standish)	☐	☒	☒	☐	☐	☒	☐	☐		11/27		

Page 1 of 7

Revised 2/4/15

Facility	Secure	Non-Secure	Public	Private	Residential	Non-Residential	Juvenile (Occupants)	Adult (Occupants)		On-Site Classification/Inspection (Most Recent)		
Lincoln	☐	☒	☒	☐	☐	☒	☐	☐		07/02		
Oxford (Bethel)	☐	☒	☒	☐	☐	☒	☐	☐			01/08	
Oxford (Brownfield)	☐	☒	☒	☐	☐	☒	☐	☐			01/08	
Oxford (Rumford)	☐	☒	☒	☐	☐	☒	☐	☐			01/08	
Sagadahoc*	☒	☐	☒	☐	☐	☒	☐	☒		01/03		
County Jails (Sheriffs Office)									**2012**	**2013**	**2014**	**2015**
Androscoggin*	☒	☐	☒	☐	☒	☐	☐	☒		05/30		
Aroostook*	☒	☐	☒	☐	☒	☐	☒	☒	10/03	10/10		
Cumberland	☒	☐	☒	☐	☒	☐	☒	☒		02/25		
Franklin*	☒	☐	☒	☐	☒	☐	☐	☒				
Hancock*	☒	☐	☒	☐	☒	☐	☒	☒	11/29	11/07		
Kennebec*	☒	☐	☒	☐	☒	☐	☒	☒		11/26		1/29
Knox*	☒	☐	☒	☐	☒	☐	☐	☒		12/09		
Oxford*	☒	☐	☒	☐	☒	☐	☐	☒		12/03		
Penobscot*	☒	☐	☒	☐	☒	☐	☒	☒	03/29		01/15	
Piscataquis*	☒	☐	☒	☐	☒	☐	☐	☒				
Somerset*	☒	☐	☒	☐	☒	☐	☐	☒				
Two Bridges Regional Jail*	☒	☐	☒	☐	☒	☐	☐	☒		02/26		
Waldo*	☒	☐	☒	☐	☒	☐	☐	☒		12/09		
Washington*	☒	☐	☒	☐	☒	☐	☒	☒		07/10		2/25
York County*	☒	☐	☒	☐	☒	☐	☐	☒		10/29		
District Courts									**2012**	**2013**	**2014**	**2015**
Androscoggin	☒	☐	☒	☐	☐	☒	☒	☒	05/14	04/11		
Aroostook (Caribou)	☒	☐	☒	☐	☐	☒	☒	☒		03/28	10/28	
Aroostook (Fort Kent)	☐	☒	☒	☐	☐	☒	☒	☒		03/28	10/29	
Aroostook (Madawaska)	☐	☒	☒	☐	☐	☒	☒	☒		03/28	10/29	
Aroostook (Presque Isle)	☒	☐	☒	☐	☐	☒	☒	☒		03/28	10/28	
Cumberland (Bridgton)	☐	☒	☒	☐	☐	☒	☒	☒	04/17			
Cumberland (Portland)	☒	☐	☒	☐	☐	☒	☒	☒		06/11		
Franklin	☒	☐	☒	☐	☐	☒	☒	☒		04/11		
Kennebec (Augusta)	☐	☒	☒	☐	☐	☒	☒	☒		11/26		
Kennebec (Waterville)	☒	☐	☒	☐	☐	☒	☒	☒		11/26		
Knox	☒	☐	☒	☐	☐	☒	☒	☒		06/20		
Lincoln	☐	☒	☒	☐	☐	☒	☒	☒		06/20		
Oxford (Rumford)	☐	☒	☒	☐	☐	☒	☒	☒		04/11		
Oxford (South Paris)	☐	☒	☒	☐	☐	☒	☒	☒		04/11		
Penobscot (Bangor)	☐	☒	☒	☐	☐	☒	☒	☒			01/15	
Penobscot (Lincoln)	☒	☐	☒	☐	☐	☒	☒	☒		05/01	10/29	
Penobscot (Millinocket)	☐	☒	☒	☐	☐	☒	☒	☒		05/01	10/27	
Penobscot (Newport)	☒	☐	☒	☐	☐	☒	☒	☒		05/01	10/30	
Piscataquis	☒	☐	☒	☐	☐	☒	☒	☒		06/19		
Sagadahoc	☒	☐	☒	☐	☐	☒	☒	☒		03/26		1/29

Revised 2/4/15

Somerset	☐	☒	☒	☐	☐	☒	☒	☒	04/09			
Waldo	☐	☒	☒	☐	☐	☒	☒	☒		06/20		
Washington (Calais)	☒	☐	☒	☐	☐	☒	☒	☒		05/28		
Washington (Machias)	☐	☒	☒	☐	☐	☐	☒	☒				2/26
York (Biddeford)	☒	☐	☒	☐	☐	☒	☒	☒		04/03		
York (Springvale)	☒	☐	☒	☐	☐	☒	☒	☒		04/03		
York (York)	☐	☒	☒	☐	☐	☒	☒	☒		04/03		
Facility	**Secure**	**Non-Secure**	**Public**	**Private**	**Residential**	**Non-Residential**	**Juvenile (Occupants)**	**Adult (Occupants)**		**On-Site Classification/Inspection (Most Recent)**		
Municipal Police Departments									**2012**	**2013**	**2014**	**2015**
Ashland	☐	☒	☒	☐	☐	☒	☐	☐	10/01			
Auburn	☐	☒	☒	☐	☐	☒	☐	☐	04/05			
Augusta	☐	☒	☒	☐	☐	☒	☐	☐	04/12			
Baileyville	☐	☒	☒	☐	☐	☒	☐	☐		05/28		
Bangor	☐	☒	☒	☐	☐	☒	☐	☐	02/06		01/15	
Bar Harbor*	☒	☐	☒	☐	☐	☒	☒	☒		11/07		
Bath*	☒	☐	☒	☐	☐	☒	☒	☒	05/02	09/10		
Belfast	☐	☒	☒	☐	☐	☒	☐	☐	08/14			
Berwick	☒	☐	☒	☐	☐	☒	☒	☒	05/17	08/12		4/13
Biddeford*	☒	☐	☒	☐	☐	☒	☒	☒		11/05		4/7
Boothbay Harbor	☐	☒	☒	☐	☐	☒	☐	☐				
Brewer	☐	☒	☒	☐	☐	☒	☐	☐	04/04			
Bridgton*	☒	☐	☒	☐	☐	☒	☒	☒	10/22	09/16		
Brownville	☐	☒	☒	☐	☐	☒	☐	☐		11/14		
Brunswick*	☒	☐	☒	☐	☐	☒	☒	☒	10/18	10/17	01/28	1/29
Bucksport	☐	☒	☒	☐	☐	☒	☐	☐	08/22			
Buxton	☐	☒	☒	☐	☐	☒	☐	☐	04/18			4/7
Calais*	☒	☐	☒	☐	☐	☒	☒	☒		05/28		
Camden	☒	☐	☒	☐	☐	☒	☒	☒	07/31	12/11		
Cape Elizabeth	☒	☐	☒	☐	☐	☒	☐	☒	04/19			4/14
Caribou*	☒	☐	☒	☐	☐	☒	☒	☒	10/02		10/28	
Carrabassett Valley	☐	☒	☒	☐	☐	☒	☐	☐		05/07		
Clinton	☐	☒	☒	☐	☐	☒	☐	☐				
Cumberland	☐	☒	☒	☐	☐	☒	☐	☐	04/23			3/19
Damariscotta	☐	☒	☒	☐	☐	☒	☐	☐		07/02		
Dexter	☐	☒	☒	☐	☐	☒	☐	☐		06/25		
Dixfield	☐	☒	☒	☐	☐	☒	☐	☐		05/09		
Dover-Foxcroft	☐	☒	☒	☐	☐	☒	☐	☐	06/25			
East Millinocket**	☒	☐	☒	☐	☐	☒	☐	☐	03/12			
Eastport	☐	☒	☒	☐	☐	☒	☐	☐				
Eliot	☐	☒	☒	☐	☐	☒	☐	☐	06/26			4/13
Ellsworth	☐	☒	☒	☐	☐	☒	☐	☐	08/22			
Fairfield	☐	☒	☒	☐	☐	☒	☐	☐	04/04			

Facility	Secure	Non-Secure	Public	Private	Residential	Non-Residential	Juvenile (Occupants)	Adult (Occupants)		On-Site Classification/Inspection (Most Recent)		
Falmouth	☒	☐	☒	☐	☐	☒	☐	☒	04/19	07/31		3/19
Farmington	☐	☒	☒	☐	☐	☒	☐	☐		05/07		2/18
Fort Fairfield*	☒	☐	☒	☐	☐	☒	☒	☒	02/07		10/28	
Fort Kent*	☒	☐	☒	☐	☐	☒	☒	☒	10/02	10/09	10/29	
Freeport*	☒	☐	☒	☐	☐	☒	☒	☒	05/02	09/06		
Frye Island	☐	☒	☒	☐	☐	☒	☐	☐	08/08			
Fryeburg	☐	☒	☒	☐	☐	☒	☐	☐	10/22			
Gardiner	☐	☒	☒	☐	☐	☒	☐	☐	04/12			3/27
Gorham	☐	☒	☒	☐	☐	☒	☐	☐	04/11			4/7
Gouldsboro	☐	☒	☒	☐	☐	☒	☐	☐		05/29		2/26
Greenville	☐	☒	☒	☐	☐	☒	☐	☐	06/25			
Hallowell	☐	☒	☒	☐	☐	☒	☐	☐	04/12			
Hampden	☐	☒	☒	☐	☐	☒	☐	☐	03/29			
Holden	☐	☒	☒	☐	☐	☒	☐	☐	04/04			
Houlton	☐	☒	☒	☐	☐	☒	☐	☐	03/12	10/08		
Jay	☒	☐	☒	☐	☐	☒	☒	☒	12/06	12/03		2/18
Kennebunk	☒	☐	☒	☐	☐	☒	☒	☒		08/01		4/13
Kennebunkport	☐	☒	☒	☐	☐	☒	☐	☐	06/26			4/14
Kittery*	☒	☐	☒	☐	☐	☒	☒	☒	06/26	10/30		
Lewiston	☐	☒	☒	☐	☐	☒	☐	☐	04/09	10/02		
Limestone	☐	☒	☒	☐	☐	☒	☐	☐		10/09		
Lincoln	☐	☒	☒	☐	☐	☒	☐	☐	03/12			
Lisbon*	☒	☐	☒	☐	☐	☒	☒	☒	05/01	08/14		
Livermore Falls**	☒	☐	☒	☐	☐	☒	☐	☐	12/06			
Machias	☐	☒	☒	☐	☐	☒	☐	☐	02/06			2/25
Madawaska*	☒	☐	☒	☐	☐	☒	☒	☒	10/02	10/09	10/29	
Madison	☐	☒	☒	☐	☐	☒	☐	☐	05/24			
Mechanic Falls	☐	☒	☒	☐	☐	☒	☐	☐		05/09		
Mexico	☐	☒	☒	☐	☐	☒	☐	☐	12/06			
Milbridge	☐	☒	☒	☐	☐	☒	☐	☐		07/10		2/26
Millinocket**	☒	☐	☒	☐	☐	☒	☒	☒	03/12	11/14	10/27	
Milo	☐	☒	☒	☐	☐	☒	☐	☐	06/25			
Monmouth	☐	☒	☒	☐	☐	☒	☐	☐	05/31			3/27
Mount Desert	☐	☒	☒	☐	☐	☒	☐	☐	08/22	05/29		
Newport	☐	☒	☒	☐	☐	☒	☐	☐		06/25		
North Berwick	☐	☒	☒	☐	☐	☒	☐	☐	07/25			4/13
Norway	☐	☒	☒	☐	☐	☒	☐	☐	06/07			
Oakland	☒	☐	☒	☐	☐	☒	☐	☐		06/25		
Ogunquit	☒	☐	☒	☐	☐	☒	☒	☒	06/26	08/01		4/14
Old Orchard Beach*	☒	☐	☒	☐	☐	☒	☒	☒		11/05		4/7
Old Town	☐	☒	☒	☐	☐	☒	☐	☐		06/12		
Orono	☐	☒	☒	☐	☐	☒	☐	☐		06/12		
Oxford	☐	☒	☒	☐	☐	☒	☐	☐	06/07			
Paris	☐	☒	☒	☐	☐	☒	☐	☐	06/07			

Phippsburg	☐	☒	☒	☐	☐	☒	☐	☐	05/15			
Pittsfield	☐	☒	☒	☐	☐	☒	☐	☐		08/08		
Portland	☐	☒	☒	☐	☐	☒	☐	☐	08/15	01/07		
Portland (Jetport Substation)	☐	☒	☒	☐	☐	☒	☐	☐	11/20			3/19
Presque Isle**	☒	☐	☒	☐	☐	☒	☐	☐	10/09			
Rangeley	☐	☒	☒	☐	☐	☒	☐	☐	05/09			
Richmond	☒	☐	☒	☐	☐	☒	☒	☒	01/31			
Rockland	☐	☒	☒	☐	☐	☒	☐	☐	07/31			
Rockport	☐	☒	☒	☐	☐	☒	☐	☐	07/31			
Rumford*	☒	☐	☒	☐	☐	☒	☒	☒	12/06	12/03		
Sabattus	☐	☒	☒	☐	☐	☒	☐	☐	05/31			3/27
Saco*	☒	☐	☒	☐	☐	☒	☒	☒	06/12	11/19	01/13	4/7
Sanford*	☒	☐	☒	☐	☐	☒	☒	☒	07/16	08/01		4/7
Scarborough	☐	☒	☒	☐	☐	☒	☐	☐	06/12			4/7
Searsport	☐	☒	☒	☐	☐	☒	☐	☐	08/14			
Skowhegan	☐	☒	☒	☐	☐	☒	☐	☐	05/24			
South Berwick	☒	☐	☒	☐	☐	☒	☒	☒	05/17	10/30		4/13
South Portland*	☒	☐	☒	☐	☐	☒	☒	☒	10/11	10/30		3/19
Southwest Harbor	☐	☒	☒	☐	☐	☒	☐	☐	11/29			
Stockton Springs	☐	☒	☒	☐	☐	☒	☐	☐				
Swan's Island	☐	☒	☒	☐	☐	☒	☐	☐		05/30		
Thomaston	☐	☒	☒	☐	☐	☒	☐	☐	07/31			
Facility	**Secure**	**Non-Secure**	**Public**	**Private**	**Residential**	**Non-Residential**	**Juvenile (Occupants)**	**Adult (Occupants)**		**On-Site Classification/Inspection (Most Recent)**		
Topsham*	☒	☐	☒	☐	☐	☒	☒	☒	07/26	08/14		
Van Buren*	☒	☐	☒	☐	☐	☒	☒	☒				
Veazie	☐	☒	☒	☐	☐	☒	☐	☐		06/12		
Waldoboro	☐	☒	☒	☐	☐	☒	☐	☐	07/31			
Washburn	☐	☒	☒	☐	☐	☒	☐	☐	10/01			
Waterville*	☒	☐	☒	☐	☐	☒	☒	☒	05/03	05/21		
Wells	☒	☐	☒	☐	☐	☒	☒	☒	07/16	10/30		4/14
Westbrook	☐	☒	☒	☐	☐	☒	☐	☐		09/11		
Wilton	☐	☒	☒	☐	☐	☒	☐	☐		05/07		
Windham	☒	☐	☒	☐	☐	☒	☒	☒	08/08	04/18		
Winslow	☒	☐	☒	☐	☐	☒	☒	☒	11/20	08/19		
Winter Harbor	☐	☒	☒	☐	☐	☒	☐	☐		07/10		2/26
Winthrop	☒	☐	☒	☐	☐	☒	☒	☒	05/31	12/03		2/18
Wiscasset	☐	☒	☒	☐	☐	☒	☐	☐	05/09			
Yarmouth*	☒	☐	☒	☐	☐	☒	☒	☒	05/02	08/14	01/02	
York	☒	☐	☒	☐	☐	☒	☒	☒	07/16	08/12		4/14
Mental Health Facilities									**2012**	**2013**	**2014**	**2015**
Acadia Hospital	☒	☐	☐	☒	☒	☐	☒	☒				
Spring Harbor Hospital	☒	☐	☐	☒	☒	☐	☒	☒				
Group Homes (State Contracted)									**2012**	**2013**	**2014**	**2015**
AMHC (Calais Children's Project)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)			
Becket (Auburn)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)			
Becket (Belgrade)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)			
Becket (Litchfield)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)			
Becket (Norridgewock)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)			

CHCS (Hermon)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Harbor Family Services (Rockport)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Harbor Family Services (Winterport)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Kidspeace (Graham Lake)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Bangor)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Bath)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Bridgton)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Buxton)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Lewiston)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Sidney)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
NFI North, Inc (Stetson)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Northern Lighthouse (Mars Hill)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Opportunity Alliance (Scarborough)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Port Resources (Gorham)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Brunswick Chloe Lynn Blue)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Brunswick Chloe Lynn Purple)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Brunswick Chloe Lynn Red)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Brunswick Chloe Lynn Tan)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Brunswick Staff Secure)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Casco 24 Edes Falls Green)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Casco 26 Edes Falls Red)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Casco Meadow Rd)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Casco Naples)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Facility	**Secure**	**Non-Secure**	**Public**	**Private**	**Residential**	**Non-Residential**	**Juvenile (Occupants)**	**Adult (Occupants)**	**On-Site Classification/Inspection (Most Recent)**
Spurwink (Casco Raymond 1)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Casco Raymond 2)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Bolton Hill 1)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Bolton Hill 2)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Bolton Hill 3)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Cheney Rd Options)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Church Hill)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Cross Hill)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Eight Rod)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea River Ave)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Chelsea Stage Rd)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Cornville Darge Farm)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Cornville Mountain View)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Cornville Staff Secure)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Lewiston/Auburn Adams)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Lewiston/Auburn Dottie)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Lewiston/Auburn Garfield)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Lewiston/Auburn Pagoma)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Bancroft Court)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Bishop)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Farnham Street)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Jeanne Street)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Ludlow Street)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Patricia Lane)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Rackleff Street)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)
Spurwink (Portland Ray Street)	☐	☒	☐	☒	☒	☐	☒	☐	N/A (MRSA 22 §8104)

Spurwink (Portland Sonnet Lane)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Spurwink (Portland Wayside Road)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Belfast Staff Intensive)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Belfast Staff Intensive 2)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Plymouth Friendship Farm)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Plymouth Moose Trail Lodge)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Saco Adolescent)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Saco Family Focus)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Saco Staff Intensive A)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Saco Staff Intensive B)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)
Sweetser (Saco Staff Intensive C)	☐	☒	☐	☒	☒	☐	☒	☐		N/A (MRSA 22 §8104)

Appendix 8
(Collocated Facility Certification)

State of Maine
Department of Corrections

Collocated Facility Approval
(Under the Juvenile Justice and Delinquency Prevention Act of 2002, Consolidated Regulation, and American Correctional Association Standards)

Facility Name: _____
Facility Address: _____
Mailing Address (If Different): _____
Contact Name and Title: _____
Phone: _____ Fax: _____ E-Mail: _____

A. Initial Facility Review - *Consolidated Regulation 31.303(e)(3)(ii)*

Did the state agency (MDOC) conduct an onsite review to determine compliance with the four criteria of the collocated facility regulation?
☐ YES ☐ NO ☐ N/A

Or, for facilities in the planning or construction phase…

Did the state agency review the full construction and operation plans?
☐ YES ☐ NO ☐ N/A

Date of state determination: _____

B. Collocated Definition – *Consolidated Regulation 31.303(e)(3)(i)(a)*

Are the two facilities located in the same building?
☐ YES ☐ NO ☐ N/A

Or

Are they part of a related complex of buildings located on the same grounds?
☐ YES ☐ NO ☐ N/A

Describe what physical features the two buildings share or what services the two programs will have in common:
_____

C. Collocated Criteria – *Consolidated Regulation 31.303(e)(3)(i)(C),and JJDP Act of 2002,*

1. Separation Between Juveniles and Adults – *Consolidated Regulation 31.303(e)(3)(i)(C)(1)*

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Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Total separation must be achieved in residential areas, e.g., sleeping and bathroom, through architectural design such that no contact is possible. In program areas, e.g., educational, vocational, and recreational, separation must be achieved whether through architectural design or through time phased use of areas as directed by written policies and procedures.

a.) A legible floor plan for the proposed facility is provided?
☐ YES ☐ NO

b.) All relevant areas of the physical plant are clearly labeled?
☐ YES ☐ NO

c.) The floor plan, as well as other documents (list below), clearly indicate the total spatial separation in the residential areas (e.g., sleeping, bathrooms, lavatories) of the respective facilities?
☐ YES ☐ NO

d.) The floor plan or policies and procedures clearly indicate either total spatial separation or time-phased used of the following areas:

	Time Phased	Spatial
Entrance	☐	☐
Intake/Processing	☐	☐
Dining	☐	☐
Indoor Recreation	☐	☐
Outdoor Recreation	☐	☐
Education	☐	☐
Counseling	☐	☐
Medical	☐	☐
Religious Services	☐	☐
Visitation	☐	☐
Other Programs (List Below)	☐	☐

e.) Supporting documentation clearly describes resident movements, both scheduled and emergency? Note: Separation requirements may be suspended in emergencies.
☐ YES ☐ NO

f.) List supporting documentation:
_____

Separate Unit for Adults – *ACA 4th Edition 4-JCF-1A-04*

If the juvenile facility is on the grounds of any other type of correctional facility, it is a separated, self-contained unit.
☐ YES ☐ NO

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2. Separate Programming – *Consolidated Regulation 31.303(e)(3)(i)(C)(2)*

Total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities.

a.) The facility has provided a complete, narrative description of all programs that will be available for juveniles, and where the programs will be conducted?
☐ YES ☐ NO

b.) Juvenile and adult residents do not share any program activities, including but not limited to those cited in the standard above?
☐ TRUE ☐ FALSE

c.) There is an independent and comprehensive operational plan for the juvenile detention center which provides for a full range of separate program services?
☐ YES ☐ NO

Adults and Juveniles – *ACA 4th Edition 4-JCF-6A-03*

If services for adult and juvenile offenders are provided by the same agency, statements of philosophy, policy, program, and procedure distinguish between criminal codes and the statutes that establish, give direction, and guide programs for juveniles.
☐ YES ☐ NO

3. Staff - *Consolidated Regulation 31.303(e)(3)(i)(C)(3) and JJDP Act of 2002*

The JJDP Act of 2002 revises the criteria for collocated facilities to allow for the use of same staff for adult and juvenile populations in collocated facilities under specific circumstances. Collocated facilities that continue to use separate staff for juvenile and adult populations must provide the information requested in items a-d. Collocated facilities that use the same staff for juvenile and adult populations must provide the information requested in items e-h.

Separate Staff – *Consolidated Regulation 31.303(e)(3)(i)(C)(3)*

Separate juvenile and adult staff, including management, security staff, and direct care staff such as recreation, education, and counseling. Specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both.

a.) The juvenile facility's organizational chart, and/or other documentation, clearly indicates a permanent, full-time manager or superintendent for the juvenile facility (this manager or superintendent may report to the sheriff or jail administrator)?
☐ YES ☐ NO ☐ N/A

b.) The juvenile facilities organizational chart, and/or documentation, clearly indicates that the juvenile facility's line staff (as cited in the standard above) are permanently

assigned to the juvenile facility, viz., juvenile and adult facility staffs are not rotated between the facilities based on occupancy in either facility?
☐ YES ☐ NO ☐ N/A

c.) The juvenile facility's organizational chart, and/or documentation, clearly indicate that staff from the adult jail will not serve as relief workers for the juvenile facility on their regularly scheduled workdays in the jail, viz., staff from the adult jail may only work in the juvenile facility in emergency, life-threatening situations, or as private citizens employed by the juvenile detention center?
☐ YES ☐ NO ☐ N/A

d.) The juvenile facility's organizational chart, and/or documentation, clearly indicate that the adult residents (trustees) will never be permitted to supervise or provide direct services for juvenile residents, e.g., serving meals, dispensing reading materials, etc.?
☐ YES ☐ NO ☐ N/A

Same Staff – *JJDP Act of 2002, and American Correctional Association Standards*

Same staff are utilized for the juvenile and adult populations (including management, security, and direct-care staff). Staff providing specialized services (medical care, food service, laundry, maintenance, and engineering, etc.) who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both populations (subject to state standards or licensing requirements).

e.) The state has a policy and training program which will certify staff to work with juveniles in the facility?
☐ YES ☐ NO ☐ N/A

State agency responsible for training and certification:

_____

f.) The training program to work with juveniles includes, at a minimum, training in the following areas:

	Yes	No
Youth Development	☐	☐
Adolescent Physical Health	☐	☐
Adolescent Mental Health	☐	☐
Nonviolent Crisis Intervention	☐	☐
ACA 4th Edition 4-JCF-6E-08		
Security Procedures	☐	☐
Supervision of Juveniles	☐	☐
Suicide Intervention/Prevention	☐	☐
Use of Force	☐	☐
Juvenile Rules and Regulations	☐	☐
Safety Procedures	☐	☐
Key Control	☐	☐

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Interpersonal Relations	☐	☐
Communication Skills	☐	☐
Cultural Awareness	☐	☐
Sexual Abuse/Assault	☐	☐
Code of Ethics	☐	☐

g.) Juvenile facility's organizational chart and/or other documentation clearly indicate that the staff is assigned to one population (adult or juvenile) per shift?
☐ YES ☐ NO ☐ N/A

h.) Juvenile facility's policies, organizational chart, and/or other documentation clearly indicate that adult residents (trustees) will never be permitted to provide direct services (e.g., serving meals, dispensing reading materials, etc.) for juvenile residents?
☐ YES ☐ NO ☐ N/A

4. Licensing – *Consolidated Regulation 31.303(e)(3)(i)(C)(4)*

In states that have established state standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and is licensed as appropriate.
☐ YES ☐ NO

Agency responsible for licensing:
_____

D. Annual Onsite Review – *Consolidated Regulation 31.303(e)(3)(iv)*

The state agency or its designee (contractor, subgrantee) annually reviewed the collocated facility onsite and determined the facility to be in compliance with the four criteria.

List date of initial onsite review:
_____

List dates of each subsequent annual onsite review:
_____, _____, _____, _____, _____

E. Summary of Findings

_____

Certification (MDOC Use Only): Based on the policies, standards, and physical characteristics, using State and Federal definitions, and through onsite verification of the Correctional Compliance Monitor, the facility named above is currently:
☐ Approved ☐ Not Approved

Nathan Gagnon _____
CCM Name (Type or Print) CCM Name (Sign and Date)

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Appendix 9
(Title 15-Chapter 505)

Applicable Maine Law(s)

Title 15
CHAPTER 505
ARREST AND DETENTION

§ 3203-A. Arrested juveniles; release; detention; notification

7. Restriction on place of detention. The following restrictions are placed on the facilities in which a juvenile may be detained.

A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

(1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;

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Appendix 10
(Title V Compliance Certification)

MAINE CERTIFICATION OF COMPLIANCE FORM
REQUIRED FOR TITLE V FUNDING
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974,
AS AMENDED, SECTIONS (A)(11)(A), (12), (13), (23)

To be eligible for Title V Delinquency Prevention funds, the applicant community must be certified by the Juvenile Justice and Delinquency Prevention (JJDP) Council as being in compliance with Sections 223 (a)(11)(A) (*Deinstitutionalization of Status Offenders*); (12) (*Separation*); (13) (*Jail Removal*); and (23) *(Disproportionate Minority Confinement*) of the JJDPA, as amended. If the community defined in the grant application includes multiple law enforcement jurisdictions, all facilities operated by or under contract to each local unit of government included in the defined community will be included in this certification. After the compliance monitor from the Division of Criminal Justice completes this form and obtains necessary signatures, it will be given to the contact person listed below. It must then be submitted with the application.

Agency: _____ Date: _____
Facility Address: _____
Mailing Address (If Different): _____
Contact Name and Title: _____
Phone: _____ Fax: _____ E-Mail: _____
County: _____ Judicial District: _____

Description of this community's area boundaries:
_____

Total juvenile population for this area (age 0 - 18, include source):
_____

Facilities to be monitored for compliance under this application; this includes all county jails, municipal lockups and juvenile detention facilities accessible to the agencies and courts serving this community:
1.) _____ 2.) _____ 3.) _____ 4.) _____ 5.) _____

Reporting period (must equal 12 months):
_____

CORE REQUIREMENT VIOLATIONS BY FACILITY (AS NUMBERED ABOVE)

Core Requirements/Facility #	1	2	3	4	5	Total
Deinstitutionalization of Status Offenders (DSO)						
A. Total number of accused status offenders held longer than 24 hours before an initial court appearance or longer than 24 hours after an initial court appearance in public and private secure detention and correctional facilities.						
B. Total number of adjudicated status offenders held in public and private secure detention facilities without benefit of the Valid Court Order and the total number of adjudicated non-offenders held for any period of time in public and private secure detention facilities even with benefit of the Valid Court Order.						
C. Total number of accused and adjudicated status offenders and non-offenders held in adult jails and adult lockups for any period of time.						
Total of A. + B. + C.						
D. Total number of out-of-state runaways held, not pursuant to the Interstate Compact, over 24 hours before or after an initial court appearance.						

Core Requirements/Facility #	1	2	3	4	5	Total
Separation of Juveniles and Adults Detained or Incarcerated in Adult Jails and Adult Lockups						
A. Does the facility, if used for detention of both adults and juveniles, provide both sight and sound separation or, if a collocated facility, has it been approved? (YES or NO)						
B. Number of juveniles not sight and/or sound separated from adults while in secure detention.						

Core Requirements/Facility #	1	2	3	4	5	Total
Removal of Juveniles From Adult Jails and Adult Lockups						
A. Total number of accused juvenile criminal-type offenders held in adult jails/lockups and non-approved collocated facilities for over 6 hours for processing/investigation/release.						
B. Total number of juvenile criminal-type offenders held over 6 hours before a court appearance or for over 6 hours following a court appearance.						
C. Total number of accused or adjudicated status offender or non-offenders held for any period of time in an adult jail or adult lockup.						
D. Total number of adjudicated criminal-type offenders sentenced to an adult jail or adult lockup and total number of accused criminal-type offenders held for any reason other than processing purposes.						
Total of A. + B. + C. + D.						

Core Requirements/Facility #	1	2	3	4	5	Total
Disproportionate Minority Confinement						
Is facility maintaining individual records that include age, race, ethnicity, sex and charge(s)? (YES or NO)						

Core Requirements/Facility #	1	2	3	4	5	Total
Compliance Findings by Facility, Core Requirement and Rate Full Compliance (F); Substantial Compliance (S) or Non-compliance (N)						
Deinstitutionalization of Status Offenders (Rate)						
Separation of Juveniles from Adults (Rate)						
Removal of Juveniles from Adult Facilities (Rate)						
Disproportionate Minority Confinement (Rate)						

Certification (JJAG Use Only): The applicant agency and all agencies in the defined community are:

☐ Compliant with the JJDP Act core requirements

☐ Non-Compliant with the JJDP Act core requirements, *but* the attached plan to achieve compliance is acceptable and will be monitored for implementation over the duration of the grant period

☐ Non-Compliant with the JJDP Act core requirements and no acceptable compliance plan has been submitted.

Nathan Gagnon (Correctional Compliance Monitor)	Kathryn McGloin (Juvenile Justice Specialist)	Bartlett Stoodley (Chair, JJAG)

Sign and Date

(Title V Cert. Rev. 2/2012)

OJJDP Published Rates of Compliance

DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)	
Rate of Violation per 100,000 juveniles	**Criteria for Compliance**
0.0 (or less than 0.1)	The State has demonstrated full compliance.
0.1 - 5.7	The State has demonstrated full compliance with de minimis exceptions.
5.8 - 17.6	The State is eligible for a finding of compliance with de minimis exceptions if it *adequately* meets two criteria: a) non-compliant incidences violated State law, and b) an acceptable plan has been developed that is designed to eliminate the non-compliant incidents.
17.7 - 29.4	The State is eligible for a finding of compliance with de minimis exceptions if it *fully satisfies* two criteria: a) non-compliant incidences violated State law and b) an acceptable plan has been developed that is designed to eliminate the non-compliant incidents.
29.5 and greater	The State is presumptively ineligible for a finding of compliance because any rate above this level is considered to represent an excessive and significant level of status offenders and non-offenders held in juvenile detention or correctional facilities.

	JAIL REMOVAL
Rate of Violation per 100,000 juveniles	**Criteria for Compliance**
0.0 (or less than 0.1)	The State has demonstrated full compliance.
0.1 - 9.0	The State is eligible for the numerical de minimis exception if the State has developed an acceptable plan to eliminate the non-compliant incidents through the enactment or enforcement of State law, rule, or statewide executive or judicial policy, education, the provision of alternatives or other effective means.
9.1 and greater	The State is eligible for the substantive de minimis exception if the State meets five criteria: 1) there are recently enacted changes in State law that are expected to have significant impact on the State's achieving compliance; 2) all instances of non-compliance were in violation of State law; 3) the instances of non-compliance do not indicate a pattern or practice but rather constitute isolated instances; 4) there are existing mechanisms to effectively enforce State law and 5) an acceptable plan has been developed to eliminate the non-compliant incidents. If one or more of these criteria are not met, the state is ineligible for a finding of compliance.

	SIGHT AND SOUND SEPARATION
Actual Number of Violations	**Criteria for Compliance**
0	The State has demonstrated full compliance.
1 and greater	The State is eligible for a finding of compliance if the instances of non-compliance do not indicate a pattern or practice but rather constitute isolated instances and one of the following criteria is satisfied: a) instances of non-compliance were in violation of State law and existing enforcement mechanisms are such that the instances of non-compliance are unlikely to recur in the future, or b) an acceptable plan has been developed to eliminate the noncompliant incidents.

	DISPROPORTIONATE MINORITY CONFINEMENT
Full Compliance	Records which include race and ethnicity are maintained on all juveniles held.

How the Rate of Violations was Determined for your Department:

1. I obtained your juvenile populations from the latest census figures. The following box shows the number of juveniles between the ages of 0 to 17 living in your community.

The juvenile population in your area for youth 0 to 17 years of age is:	

2. I reviewed the number of violations under each of the core requirements based on the data I collected during the monitoring year: January 1 to December 31.

Core Requirement	Number of Violations	Rate of Violations
Deinstitutionalization of Status Offenders		
Sight and Sound Separation		
Jail Removal		
Disproportionate Minority Contact		