

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE
119TH LEGISLATURE
FIRST REGULAR SESSION**

**Final Report
of the**

**STUDY GROUP TO REVIEW
PROCEDURES AND CONSIDER IMPROVEMENTS IN
JUVENILE AND ADULT PROBATION SERVICES**

December 1999

Members:

Staff:

**Marion Hylan Barr, Esq., Legislative Analyst
Office of Policy & Legal Analysis
13 State House Station
Augusta, Maine 04333
(207)287-1670**

**Additional support provided by:
Bill Goodwin, Probation Officer
Department of Corrections
Bangor Pre-Release Center
164 Hogan Road
Bangor, ME 04401**

**Senator Robert E. Murray, Jr., Chair
Representative Christopher T. Muse
Nancy Bouchard
Elizabeth Buxton
Michael Cantara
Michael Coty
Hon. Joseph H. Field
Everett Flannery
William Jones
Candace Kiefer
Shirley Linderman
Diane Sleek
Paul Vestal**

Table of Contents

STUDY GROUP TO REVIEW PROCEDURES AND CONSIDER IMPROVEMENTS IN JUVENILE AND ADULT PROBATION SERVICES

	Page
Executive Summary	i
I. Introduction	1
A. Study Creation and Charge.....	1
B. Process	1
II. Issues Considered in Formulating Recommendations.....	1
A. Questionnaire.....	2
B. Subcommittee Meetings	3
C. Recent Budgetary and Programmatic Changes in Department of Corrections Probation Services.....	4
D. Other Legislative Initiatives	5
III. Findings and Recommendations.....	7
A. Juvenile and Adult Probation Services	7
B. Juvenile Probation Services.....	12
C. Adult Probation Services	13
D. Report.....	13

Appendices

- A. Resolve 1997, chapter 124
- B. Members
- C. Recommended Legislation
- D. State of Maine Community Corrections Plan Executive Summary
- E. Department of Corrections Policy and Procedures: Community Risk Assessment and
Minimum Contact Standards
- F. Juvenile Caseworker and Probation Officer Questionnaire Analyses of Responses
- G. Memorandum Outlining York County Juvenile Court Pilot Project from Honorable Jon D.
Levy, District Court Judge

EXECUTIVE SUMMARY

The Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services was created pursuant to Resolve 1997, chapter 124, during the Second Regular Session of the 118th Legislature. The Study Group's charge was to review procedures, current resources, assessment instruments, services provided and issues of concern within the Department of Corrections juvenile and adult probation systems and to make recommendations for improvements in those systems.

The Study Group met 6 times over a 2-year period and heard presentations by and consulted with the Department of Corrections, the Department of the Attorney General and the Honorable Jon Levy, District Court Judge; reviewed risk assessment and risk needs instruments; reviewed current probation policies and recent budgetary and legislative initiatives, including progress of the construction and program development of the Department of Corrections Community Corrections Plan; created a questionnaire that was distributed to all juvenile caseworkers and probation officers; and met directly as subcommittees with juvenile caseworkers and probation officers in 3 different regions of the state.

The Study Group recommends several changes intended to improve the provision of probation services and improve staff morale within both the juvenile and adult probation divisions.

The Study Group makes the following specific recommendations.

1. The Study Group recommends that the Department of Corrections increase and improve communication between its central management and staff.
2. The Study Group recommends that the Department of Corrections reduce the paperwork and administrative burden on caseworkers and probation officers.
3. The Study Group recommends that the Department of Corrections clarify the policy regarding transportation of juveniles and adult probationers by caseworkers and probation officers.
4. The Study Group recommends that the State make a one-time financial payment to employees affected by the unresolved "16% pay cut issue" as a final resolution to that issue.
5. The Study Group recommends that the Department of Corrections create a career ladder for caseworkers and probation officers.
6. The Study Group recommends that the Department of Corrections increase the number of juvenile caseworkers and probation officers and their immediate supervisory staff.
7. The Study Group recommends that the Department of Corrections improve and increase the frequency of training and collaborate with the Criminal Justice Academy and law enforcement agencies in training efforts.

The Study Group also recommends that the Department of Corrections adopt Maine Criminal Justice Academy standards and American Corrections Association standards for training.

8. The Study Group recommends that the State implement the York County Juvenile Court Pilot Project across the state.
9. The Study Group recommends that the Department of Corrections consider all alternatives to detention and remain flexible instead of rigid in adhering to assessment instruments.
10. The Study Group recommends that the State implement the original Adult Community Corrections Plan in its entirety.

I. INTRODUCTION

A. Study Creation and Charge

The Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services was created pursuant to Resolve 1997, chapter 124, during the Second Regular Session of the 118th Legislature. The Study Group's charge was to review procedures, current resources, assessment instruments, services provided and issues of concern within the Department of Corrections juvenile and adult probation systems and to make recommendations for improvements in those systems.

The Study Group consisted of a Senator and a Representative who serve on the Joint Standing Committee on Criminal Justice, a District Court Judge, an Associate Commissioner of Corrections, an Assistant Attorney General, a juvenile caseworker, a probation officer, a member of the Maine Prosecutors Association, a member of the Maine Association of Criminal Defense Lawyers, a member of the Maine Chiefs of Police Association, a member of the Maine Sheriffs Association, a community services representative and a victims' advocate.

B. Process

The Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services met 6 times. In completing its work, the Study Group: heard presentations by and consulted with the Department of Corrections, the Department of the Attorney General and the Honorable Jon Levy, District Court Judge; reviewed risk assessment and risk needs instruments; reviewed current probation policies and recent budgetary and legislative initiatives, including progress of the construction and program development of the Department of Corrections Community Corrections Plan (see Executive Summary at **Appendix D**); created a questionnaire that was distributed to all juvenile caseworkers and probation officers; and met directly as subcommittees with juvenile caseworkers and probation officers in 3 different regions of the state. Upon discussing and analyzing the information gained from these experiences, the Study Group makes a number of recommendations for improvement within both juvenile and adult probation services. (See III. Findings and Recommendations for the complete list of Study Group recommendations.)

II. ISSUES CONSIDERED IN FORMULATING RECOMMENDATIONS

Upon reviewing the Department of Corrections' risk assessment instruments, some of which are being revised currently, the Study Group concluded that the instruments appear to be accomplishing their intended purpose of determining supervision needs and risk. (See **Appendix E** for Community Risk Assessment and Minimum Contact Standards.) From the information regarding probation processes and programs, the Study Group concluded that probation services have improved through

continuing developments and initiatives but that much more needs to be done to enhance both the provision of services and working conditions. The Department of Corrections should evaluate the new programs and redesigned risk assessment instruments after the department has had time to implement them fully and use them for a reasonable period of time.

In an effort to further identify concerns and recommendations, the Study Group collected more information through a questionnaire, subcommittee meetings with probation staff, an update of recent legislation and an overview of budgetary and programmatic changes in probation services.

A. Questionnaire

The Study Group developed a questionnaire that was sent to all juvenile caseworkers and adult probation officers. The purpose of the questionnaire was to ask caseworkers and probation officers about their current caseloads, working conditions and training and about needs and concerns that they have in performing their jobs. One hundred and nine questionnaires were mailed--68 to probation officers and 41 to juvenile caseworkers. Forty-seven questionnaires were returned--30 from probation officers and 17 from caseworkers for a response rate of 41%. Some highlights of the questionnaire results follow.

- About half of the respondents believe that separating adult and juvenile services has had a negative impact due to the loss of collaboration and sharing of information between probation officers and caseworkers. The other half believe that the change was positive because it limits interaction between juvenile and adult offenders and allows caseworkers and probation officers to focus on their own goals.
- Almost all of those who responded believe that the current number of caseworkers and probation officers is insufficient to perform probation services effectively and safely.
- Many of the respondents believe caseload numbers are too high and that they do not have adequate support staff.
- Most respondents believe that current policies do not adequately address safety issues; many probation officers believe that home visits should be done in pairs; approximately 1/5 of caseworkers believe that they should have the option of being armed; many caseworkers and probation officers want increased training, including police training for house checks. This issue also raised concerns about probation officers and caseworkers using their personal vehicles to transport clients.
- 90% of probation officers and 76% of caseworkers responded that morale was low and many of those indicated that morale was declining; restoring the 16% pay cut, improving management-employee relations and reducing paperwork and caseloads were offered as ways to improve morale.
- Approximately half of the respondents indicated that they were unfamiliar with the Department of Corrections Community Corrections Plan, and a little more than half noted that they did not have an opportunity to provide input as the plan was developed.

- Slightly more than half of the caseworkers responded that the laws governing sharing of information regarding juvenile offenders are adequate, while a little less than half indicated that sharing information needs to be improved because existing policies are too restrictive.
- Suggestions for improvements within the Department of Corrections included:
 - ⇒ Increase communication and professionalism;
 - ⇒ Increase pay and recognition;
 - ⇒ Reduce paperwork and caseloads; and
 - ⇒ Reclassify juvenile and adult probation services positions.

(See **Appendix F** for Juvenile Caseworker and Probation Officer Questionnaire Analyses of Responses.)

B. Subcommittee Meetings

As follow up to the questionnaires and in an effort to ensure that the Study Group heard from as many caseworkers and probation officers as possible, the Study Group established 3 subcommittees to meet with caseworkers and probation officers. One subcommittee met in the Bangor area, one in the Augusta area and one in the Portland area. These meetings gave employees the opportunity to speak directly with Study Group members about caseworkers' and probation officers' jobs, concerns and ideas about what they need to more efficiently and effectively do their jobs. Issues raised at these meetings include the following.

- Technology needs to be improved--current technology (records and information sharing) is not linked to serve all criminal justice agencies.
- A great amount of information is gathered and the repetitive nature of the reports for which the information is taken is frustrating and wastes employee resources.
- Training needs to be ongoing and updated frequently; the firearm policy is a problem (those who are armed have little opportunity to practice techniques); training has improved but much more could be done.
- The 16% pay cut needs to be addressed and remedied; the pay cut is a barrier to those who want to move forward in the department.
- Inflexible scheduling problems create employee frustration (i.e., 2 week straight-time develops into overtime issues.)
- Safety and personal privacy are major concerns for employees who transport probationers in the employees' own personal vehicles.
- Frustration is felt by those who believe that the department fails to provide lockups for juveniles who have no place to be released; regional administrators are making decisions regarding whether to release a juvenile, which removes the decision-making authority from caseworkers who could use shock treatment in appropriate circumstances.
- Caseworkers and probation officers need to feel ownership of their job decisions.
- Appropriate office space and workstations are needed to obtain the best work of caseworkers and probation officers.

- Caseworkers and probation officers need a career ladder, which would provide recognition and incentives for employees and would help in case management (i.e., new employees could spend initial training time with senior employees who could act as mentors; newer employees could then relieve senior employees of some of the administrative tasks, allowing the senior employees more time to handle complex issues and cases that require significant supervision.)
- Caseworkers and probation officers would like to see management making more personal visits to their field offices; more frequent contact, instead of memos with new directives, would improve morale.
- More caseworkers, probation officers and clerical staff are needed to provide adequate supervision and effective probation services.
- Allowing new policies time to play out before proposing and implementing new policies would be helpful.

Many of these thoughts are more thoroughly developed in the Study Group's list of findings and recommendations. (See Part III. Findings and Recommendations.)

C. Recent Budgetary and Programmatic Changes in Department of Corrections Probation Services

To further understand the concerns and needs of caseworkers and probation officers, the study group reviewed recent changes in probation services. During the First Regular Session of the 119th Legislature, the Department of Corrections experienced three major areas of improvement in terms of increased resources and programming. The three areas are:

- 1) The separation of juvenile and adult community corrections for budgeting program accounts. This step finalizes the separation of services into juvenile and adult programmatic areas;
- 2) The initial steps toward funding the Community Corrections Plan. More progress was made on the juvenile side than the adult side, but initiatives were adopted for both. Services break down as follows:

For juveniles:

- a. 16 new positions, including 1 resource coordinator, 13 juvenile caseworkers, 2 clerk typists plus 1 victims' services liaison (who will work on both the adult and juvenile sides). All positions are effective July 1, 2000;
- b. Vehicles for transporting;
- c. Cell phones;
- d. Increased and enhanced office space;

- e. Funds for supplementing the JISS Program (Juvenile Intensive Supervision Services);
- f. A juvenile accountability incentive block grant, which will fund 3 positions: a training coordinator, a planner and a clerk. Remaining grant funds will be used for state-wide juvenile care provider training, a pilot day reporting center in Lewiston, 4 additional district court judges, 4 drug courts and a juvenile records repository;

For adults:

- a. 12 new positions, including 8 probation officers, 2 clerk typists and 2 domestic violence probation officers (through a grant to Cumberland County). Six positions are effective October 1, 1999 and the other 6 are effective July 1, 2000;
 - b. Vehicles for transporting;
 - c. Cell phones; and
 - d. Increased and enhanced office space; and
- 3) Mental health services. Working with the Department of Mental Health, Mental Retardation and Substance Abuse Services, the department secured mental health services, including 6 mental health workers, 4 of whom will serve as regional mental health caseworkers for juveniles and \$500,000 to purchase other mental health services (\$250,000 in each year).

These changes moved adult and juvenile probation services in a positive direction in many respects, but the department expressed that the following areas need more resources: full-funding for JISS, increased staffing on the adult side (current number of probation officers is inadequate), increased purchased services (community care and treatment) and planning for infrastructure for adult community services.

D. Other Legislative Initiatives

Additional legislative initiatives that impact upon probation services were adopted in the First Regular Session of the 119th Legislature. They include:

1. Legislative initiatives that were enacted during the First Regular Session of the 119th Legislature. The following initiatives were enacted and are now law.

- **“An Act to Amend the Juvenile Corrections Laws and to Establish a Juvenile Records Repository,” Public Law 1999, chapter 260**, in part, permits juvenile caseworkers to share the identities of juveniles on

conditional release or informal adjustment with criminal justice agencies for the purpose of administration of juvenile criminal justice. Public Law 1999, chapter 260 also changes from 48 hours to 24 hours the amount of time in which a detention hearing must be held for a juvenile who has been placed in a secure detention facility. (See III. Findings and Recommendations, B. Juvenile Probation Services, for further discussion.)

- **“An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses,”** Public Law 1999, chapter 266 allows law enforcement officers to summons a juvenile to court at the time of the juvenile’s arrest. (This law codifies the York County Juvenile Court Pilot Project’s process of issuing “notice to appear” at the time of arrest.)

2. Legislative initiatives that were carried over to the Second Regular Session of the 119th Legislature. The following initiatives were carried over and will be considered by the Joint Standing Committee on Criminal Justice and the full Legislature during the Second Regular Session of the 119th Legislature.

- **LD 629, “An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems”** proposes to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate a comprehensive substance abuse treatment program for juveniles. The program must include uniform clinical assessment of juveniles to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the juvenile and the juvenile’s family and to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion. The bill proposes to require the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice. The proposal must include funding for at least 9 Regional Treatment Alternative to Street Crime Substance Abuse Managers who must be contracted with community treatment agencies.

- **LD 1933, “An Act to Promote the Sharing of Information Between Schools and Criminal Justice Agencies”** proposes to allow a juvenile’s school to distribute information about the juvenile to the court and to a criminal justice agency (including juvenile caseworkers) under certain conditions. The information remains confidential and may not be further distributed.

III. FINDINGS AND RECOMMENDATIONS

After compiling the information mentioned above and after thoughtful and lengthy discussion, the Study Group makes the following policy and legislative recommendations for improvements in the Department of Corrections' juvenile and adult probation services.

A. Juvenile and Adult Probation Services

The following recommendations address improvements for both juvenile caseworkers and probation officers and for the probation services they provide.

1. Increase and improve communication between central management and staff in the Department of Corrections. There is the feeling in the current system that policies and procedures are being dictated from management without helpful input from field staff regarding policy development and implementation. The Study Group recommends that management attend staff meetings regularly and endeavor to meet periodically with all caseworkers and probation officers on an individual basis. Communication from management to employees and from employees to management must be more frequent. This direct communication will improve morale and services, as employees and management can share their ideas and concerns actively, instead of relying on written memoranda to implement policy.

The Study Group found that the Department of Corrections has taken steps to improve communication. On the adult side, the Associate Commissioner made anywhere from one visit (Farmington, Belfast) to 20 visits (Portland), with 2 to 5 visits being the average per office in 1999. On the juvenile side, the Associate Commissioner will soon have met with all of the caseworkers and attends regional staff meetings when time permits. Each of the 4 Regional Administrators holds regular staff meetings at which staff ideas are solicited.

These are important steps that need to be developed further. The Study Group recommends that the department also recognize employee performance on an informal basis, as well as a formal basis, to improve employee morale.

2. Reduce the paperwork and administrative burden on caseworkers and probation officers by:

- 1) Eliminating duplicate information gathering through improved internal coordination and technological improvements; and**
- 2) Increasing the amount of clerical and technical support provided.**

Currently, caseworkers and probation officers spend an inordinate amount of time collecting data from clients and filling out department forms that often request duplicative information. The Study Group recommends that the Department of Corrections improve their intake system, which will allow caseworkers and

probation officers to spend more time providing direct supervisory services. Improvements in the intake system must include:

- a) Eliminating the collection of duplicative information;
- b) Implementing technology that ensures department-wide and criminal justice agency-wide sharing of information through the computerization of reports, forms and records; and
- c) Increasing clerical support.

The Study Group learned that the department is currently working with the Edmund S. Muskie School of Public Service to develop an interim computer system that will compliment and work in conjunction with the Department of Corrections Information System (DOCIS). This system will be piloted in January 2000 and should reduce duplicative entries. The department has also been authorized to hire 2 new clerical positions in July 2000, and the Juvenile Field Services Division will seek to incorporate Case Aide positions in their next legislative budget request. These initiatives should improve efficiency; however, in order to better utilize caseworkers and probation officers, more methods to reduce administrative tasks need to be explored.

3. Clarify the policy regarding transportation of juveniles and adult probationers by caseworkers and probation officers. Secure transportation is needed for juvenile detention, placement outside a secure facility, and therapy or other treatment, as well as for transportation for probationer violations and treatment. Although department policy does not mandate or encourage transportation of juveniles and adult probationers in private vehicles, the reality is that caseworkers and probation officers are currently put in situations in which they feel a responsibility to transport in their own personal vehicles. The Study Group recommends that this problem be resolved, and that the solution may include:

- 1) Providing state vehicles for caseworker and probation officer use;
- 2) Identifying transportation as a law enforcement function to be performed by the police or sheriffs' departments; or
- 3) Providing insurance to caseworkers and probation officers as a rider to their own private auto insurance policies.

Clarification of this policy will increase safety and improve morale. The department has taken initial steps to improve this situation by receiving funding approval for the purchase of 4 vehicles, which will be available for use in some locations.

4. Remedy the 16% pay cut that was experienced by caseworkers and probation officers by making a one-time financial payment to employees

involved as a final resolution to the “16% pay cut issue.” In December 1992, caseworkers and probation officers filed suit against their employer, the State of Maine, in United States District Court. Maine probation officers brought an action for unpaid overtime compensation against their employer. The employees alleged that the State had violated the Fair Labor Standards Act of 1938 and sought overtime pay, double damages and attorneys fees. During the period for which the probation officers sought relief under the Fair Labor Standards Act, the probation officers were considered by the state to be professionals exempt from the Fair Labor Standards Act. Because of this, the probation officers received a 16% nonstandard pay premium given to those employees who were exempt from the overtime regulations of the Fair Labor Standards Act and who were required to work a variable work week in excess of 40 hours.

The Federal District Court ruled that the probation officers were not professionals exempt from the Fair Labor Standards Act, and that they were eligible for overtime. (Since that ruling, the State has paid overtime.) The court also ruled that the probation officers were entitled to double damages, which is the ordinary rule under the Fair Labor Standards Act. The State argued, and the court agreed, that the probation officers were law enforcement officers, which means that overtime at time and a half need only be paid after 43 hours. The probation officers also argued, but the court did not agree, that the State had willfully and deliberately violated the Fair Labor Standards Act. Finally, the State litigated with various probation officers the specific amount of overtime each of those officers claimed, and the Special Master found that a total of \$215,000 was due in overtime (resulting in \$430,000 in damages).

However, before the court’s decision was final, the case Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996), overturned prior caselaw and ruled that states cannot be sued by individuals in federal court under federal laws enacted pursuant to the Commerce Clause. Relying on that case, the Federal District Court threw out the suit based on sovereign immunity, even though they had ruled that amounts were due to the probation officers. The Court of Appeals affirmed in Mills v. Maine, 118 F. 3d 37 (1997).

The caseworkers and probation officers then filed suit in state court, and legislation was introduced to the Maine Legislature in 1997, LD 1876, Resolve, to Allow Certain Employees to Continue to Sue the State to Recover Wages Improperly Denied under Federal Wage and Hour Laws. LD 1876 proposed to waive the State’s sovereign immunity in cases filed in state court alleging that the State violated the Fair Labor Standards Act. The legislation was defeated and the trial court dismissed the suit on the ground of sovereign immunity--the State’s defense for past violations of federal law that denied relief to the caseworkers and probation officers. The Maine Supreme Judicial Court affirmed. (See Alden v. Maine, 715 A. 2d 172 (1998).) The United States Supreme Court granted certiorari and held that the powers delegated to Congress under Article I of the Constitution do not include the power to subject nonconsenting states to private suits for damages in state courts. Because the State of Maine had not consented to suits for overtime pay and damages under the Fair Labor Standards Act, the

United States Supreme Court affirmed the judgment, sustaining dismissal of the suit. (See Alden v. Maine, 119 S.Ct. 2240 (1999).)

This process has greatly hurt the morale of caseworkers and probation officers and must be addressed in a positive manner. The employees involved, many of whom are still employees of the Department of Corrections, feel a great sense of injustice with the results of the case. The ill will resulting from this case has festered and continues to be a problem that requires a more acceptable solution. The department cannot afford to simply rest upon the court decisions and risk “winning the battle but losing the war”; therefore, the Study Group recommends that the department make a one-time financial payment to those employees who were adversely affected.

5. Create a career ladder for caseworkers and probation officers. The Study Group recommends that the Department of Corrections create a formal career ladder for caseworkers and probation officers. The career ladder must provide recognition and incentives for employees and must help in case management (i.e., new employees could spend initial training time with senior employees who could act as mentors; newer employees could then relieve senior employees of some of the administrative work, allowing the senior employees more time to handle complex issues and cases that require significant supervision.)

The Division of Juvenile Field Services has taken steps toward meeting this goal by recommending the addition of Assistant Resource Coordinators and Case Aides. Currently the department has 4 Resource Coordinators and will add a fifth in July 2000. The division is also exploring the implementation of Field Training Officers to enhance initial training of new employees.

6. Increase the number of juvenile caseworkers and probation officers. The Study Group recommends that the Department of Corrections employ more caseworkers, probation officers and field supervisors with direct oversight of caseworkers and probation officers in order to provide adequate supervision and other probation services.

The Division of Probation and Parole was created in 1967 to provide community supervision and service delivery to adults and juveniles as an alternative to incarceration and as a means to integrate those released from incarceration back into society. In January 1984, Juvenile Intake and Aftercare services were consolidated into the division. Legislation passed in 1996 and implemented by the Productivity Realization Task Force eliminated the Division of Probation and Parole and separated the delivery of juvenile and adult services.

In the division's place, the Division of Juvenile Services and the Division of Adult Community Corrections were created and with them the following occurred: executive administrative functions were consolidated; the positions of division director and 2 assistants were eliminated; an associate commissioner was assigned to each new division; and each associate commissioner was assigned one professional support staff. The 6 districts were reorganized into 4 juvenile and 4

adult regions, which were each assigned one Regional Corrections Administrator. Six probation officers and 4 support staff were transferred from the Adult Services Division to the Juvenile Services Division and 4 support staff positions were eliminated. From 1991 to the implementation of the recommendations of the Productivity Realization Task Force, 20 probation officer positions, 6 support staff positions and 2 executive level staff positions were eliminated (legislative count reduction).

Since the Productivity Realization Task Force, there have been improvements in community corrections position numbers. During the First Regular Session of the 118th Legislature, the Legislature authorized the department to hire 8 federally funded probation officers--6 to supervise high-risk sex offenders and 2 to supervise participants of the adult drug court program. During the Second Regular Session of the 118th Legislature, the Legislature also authorized the department to hire 14 probation officers--7 for adult community corrections, 5 for supervised community confinement and 2 for juvenile services, as well as 2.5 new support staff.

During the First Regular Session of the 119th Legislature, the Legislature authorized the department to hire one resource coordinator, 13 juvenile caseworkers (for a total of 54) and 2 support staff for the Juvenile Services Division to be phased in by December 2000. The division is reaching toward a goal of 35 clients to one caseworker ratio. The Department of Mental Health, Mental Retardation and Substance Abuse Services also was authorized to provide mental health services for juveniles, including 6 mental health workers, 4 of whom will serve as regional mental health workers. The department also may hire one victims' services liaison who will work for both the adult and juvenile sides. These positions are effective July 1, 2000. The Legislature authorized the department to hire 8 probation officers, 2 support staff and 2 domestic violence probation officers, through a grant to Cumberland County, for Adult Community Corrections. Six of the adult positions went into effect October 1, 1999 and 6 become effective July 1, 2000.

Although these changes are a step in the right direction for community corrections, the programmatic and logistical changes that the department faces (i.e., accelerated juvenile court proceedings and increased caseloads for juvenile caseworkers and probation officers) demand additional staff to ensure services are effectively and efficiently provided.

7. Improve, increase and integrate training. The Study Group recommends that the Department of Corrections, working in collaboration with law enforcement officers through the Maine Criminal Justice Academy and local law enforcement agencies, create a comprehensive training program for caseworkers and probation officers. Maine Criminal Justice Academy standards and American Corrections Association standards for training must be adopted.

The Study Group found that the department has taken some steps toward addressing its firearms training policy by increasing the number of required

practices, and that the Juvenile Services Division has hired a Staff Development Coordinator. The coordinator's role includes consulting with staff and conducting research to determine what is necessary to develop a comprehensive training program for all juvenile corrections personnel.

B. Juvenile Probation Services

The following recommendations address improvements for juvenile caseworkers and the juvenile probation services they provide.

1. Implement the York County Juvenile Court Pilot Project across the state.

This project significantly decreases the time that a juvenile case works its way through the criminal justice system from an average of 5 or more months to as little as 30 to 50 days. In summary the project works as follows:

⇒ Upon a law enforcement officer's determination to refer a juvenile for prosecution to a caseworker, the officer will serve a summons upon the juvenile and parent/guardian (prior to Public Law 1999, chapter 266, officers served a Notice to Appear);

⇒ By day 10 the law enforcement officer must deliver the police report and the summons to a juvenile caseworker;

⇒ By day 25 the case is referred to a district attorney if the caseworker decides to refer the case for prosecution; if the caseworker decides not to refer the case for prosecution, the juvenile and parent are notified that they do not need to appear in court in response to the summons;

⇒ By day 40 the district attorney must file a petition and the summons with the court;

⇒ By day 50 the juvenile's initial court appearance is held.

(See **Appendix G** for memorandum from the Honorable Jon D. Levy, District Court Judge, outlining the York County Pilot Project.)

2. Consider all alternatives to detention and remain flexible instead of rigid in adhering to assessment instruments.

⇒ The recent legislative change that requires all detention hearings to be held in 24 hours instead of 48 hours for juveniles placed in secure detention is causing logistical problems for all in the juvenile justice system. The Department of Corrections is working on clarifying this issue with the federal government, whose current interpretation is that a hearing must be held within 24 hours for a juvenile detained in an adult facility and a hearing must be held within 48 hours for a juvenile detained in a juvenile facility. The Study Group proposes legislation to remedy this issue. (See **Appendix C** for Recommended Legislation.) (The

Department of Corrections indicated that it will introduce legislation to address this issue as well.)

⇒ Law enforcement officers also expressed concern about the cumbersome process of reaching a caseworker by telephone when seeking to detain a juvenile, especially when the caseworker first calls the regional coordinator and then calls the law enforcement officer back with a decision. The process also appears to remove discretion from the caseworker. Law enforcement officers are concerned that many juveniles are not detained because of this system, and although a law enforcement officer who disagrees with a caseworker's decision to detain may petition a district attorney, the belief is that this in all practicality, will not work. The Department of Corrections acknowledged that the calling process is cumbersome and indicated that when both the Northern Maine Juvenile Detention Facility and the Southern Maine Juvenile Detention Facility are operational, the department will use its own call-in number, which should streamline the process.

C. Adult Probation Services

The following recommendation addresses improvements for probation officers and the probation services they provide.

1. Implement the original Adult Community Corrections Plan in its entirety. Although the Juvenile Community Corrections Plan is being implemented more slowly than desired, the plan is on track. However, implementation of the adult side was not supported in its entirety during the First Regular Session of the 119th Legislature. Specifically, there is a great need for increased staffing on the adult side (current number of probation officers is inadequate), increased purchased services (community care and treatment) and planning for infrastructure for adult community services.
(See **Appendix D** for Executive Summary of Community Corrections Plan.)

D. Report

To ensure that these recommendations go forward, the Study Group recommends that the Legislature direct the Department of Corrections to report on its progress in implementing the recommendations to the joint standing committee having jurisdiction over corrections matters by April 15, 2001. (See **Appendix C** for Recommended Legislation.)

APPENDIX A

Resolve 1997, chapter 124

APPROVED

CHAPTER

APR 16 '98

124

BY GOVERNOR

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-EIGHT

H.P. 1556 - L.D. 2185

Resolve, to Provide Accountability in the Probation System

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, The Legislature recognizes the immediate need to address the issue of adequate staffing and resources in the Department of Corrections probation services to ensure the safety of the department staff and the public; and

Whereas, it is the intent of the Legislature that the implementation of new probation officer positions reflects the Department of Corrections' needs and ability to train and effectively employ the new probation officers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Study group established. Resolved: That the Commissioner of Corrections shall convene a study group to review procedures and consider improvements in juvenile and adult probation services. Specifically, the study group shall review the current resources, assessment instruments, services provided and issues of concern within the Department of Corrections; and be it further

Sec. 2. Membership. Resolved: That the study group consists of the Commissioner of Corrections or the commissioner's designee; the Attorney General or the Attorney General's designee; and a member of the judiciary appointed by the Chief Justice of the Maine Supreme Judicial Court. The study group also consists of the following members appointed by the President of the Senate: a Senator who sits on the Joint Standing Committee on Criminal Justice; a probation officer; a member of the Maine Association of Criminal Defense Lawyers; and a member of the Maine Sheriffs Association. The study group further consists of the following members appointed by the Speaker of the House of Representatives: a member of the House of Representatives who sits on the Joint Standing Committee on Criminal Justice; a juvenile caseworker; a member of the Maine Prosecutors Association; and a member of the Maine Chiefs of Police Association. The study group also consists of the following members appointed by the commissioner: a community services representative and a victims' advocate; and be it further

Sec. 3. Convening of study group. Resolved: That the Chair of the Legislative Council shall call the first meeting of the study group between the 30th and 45th days following the effective date of this resolve. A quorum is a majority of the members; and be it further

Sec. 4. Selection of chair. Resolved: That the study group shall select a chair from among the members at the first meeting; and be it further

Sec. 5. Staffing. Resolved: That the Department of Corrections shall provide staffing and clerical support to the study group. The commissioner shall carry out the requirements of this section to the extent possible within the existing budgeted resources of the department. The department may also request legislative drafting assistance from the Legislative Council; and be it further

Sec. 6. Compensation. Resolved: That the legislative members of the study group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for attendance at meetings of the study group; and be it further

Sec. 7. Report. Resolved: That the study group shall submit its report and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by January 15, 2000; and be it further

Sec. 8. Office space assessment. Resolved: That the Commissioner of Corrections shall perform an assessment of office space needs for the department's juvenile and adult probation services and shall prioritize the need for additional space. The 3 most urgent office space needs as identified by the commissioner must be addressed by January 1, 1999. The commissioner shall develop a plan to address the remaining needs by January 1, 2004. The commissioner shall report on the department's actions regarding the 3 most urgent office space needs and on its plan to deal with remaining needs to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by January 15, 1999.

The commissioner shall carry out the requirements of this section to the extent possible within the existing budgeted resources of the department; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

CORRECTIONS, DEPARTMENT OF

Probation and Parole

All Other \$50,000

Provides funds for the costs associated with drug and alcohol testing.

DEPARTMENT OF CORRECTIONS

TOTAL \$50,000

LEGISLATURE

Study Commissions - Funding

Personal Services \$550
All Other 500

Provides funds for the per diem and expenses of the legislative members of a probation services study panel.

LEGISLATURE

TOTAL \$1,050

**TOTAL
APPROPRIATIONS**

\$51,050

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

APPENDIX B

Members

**JUVENILE AND ADULT PROBATION SERVICES STUDY GROUP
RESOLVE 1997, CHAPTER 124**

Membership

Appointments by the President

- Sen. Robert E. Murray, Jr. **Chair**
Senate District 9 (Penobscot County)
- Maj. Everett Flannery
Major, Kennebec County Sheriff's Office
Maine Sheriffs' Association
- Mr. William Jones
Probation Officer
Department of Corrections
- Ms. Shirley Linderman, Esq.
Attorney
Maine Association of Criminal Defense Lawyers

Appointments by the Speaker

- Rep. Christopher T. Muse
House District 26 (Part of So. Portland)
- Ms. Elizabeth Buxton
Juvenile Caseworker
Department of Corrections
- Mr. Michael Cantara
District Attorney
Maine Prosecutors Association
- Mr. Michael Coty
Chief of Police, Gardiner
Maine Chiefs of Police Association

Other Appointments

- Ms. Nancy Bouchard
Associate Commissioner
Adult Community Corrections
(Commissioner of Corrections' designee)
- Ms. Diane Sleek
Assistant Attorney General
(Attorney General's designee)
- Hon. Judge Joseph H. Field
Judge, Judicial Department
(Chief Justice's designee)
- Ms. Candace Kiefer
Victims' Advocate
Office of the District Attorney, Ellsworth
- Mr. Paul K. Vestal
Community Services Representative
(Catholic Charities of Maine, St. Michael's Center)

Staff

Marion Hylan Barr, Esq., Legislative Analyst
Office of Policy & Legal Analysis
#13 State House Station
Augusta, ME 04333-0013
287-1670

Additional support provided by:

Bill Goodwin, Probation Officer
Department of Corrections
Bangor Pre-Release Center
164 Hogan Road
Bangor, ME 04401

APPENDIX C

Recommended Legislation

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY GROUP
TO REVIEW PROCEDURES AND CONSIDER IMPROVEMENTS IN JUVENILE
AND ADULT PROBATION SERVICES

119th MAINE LEGISLATURE
DECEMBER 1999

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §3203-A, sub-§2, ¶A is amended to read:

A. When a juvenile is arrested, the law enforcement officer or the juvenile ~~caseworker~~ community corrections officer shall notify the legal custodian of the juvenile without unnecessary delay and inform the legal custodian of the juvenile's whereabouts, the name and telephone number of the juvenile ~~caseworker~~ community corrections officer who has been contacted and, if a juvenile has been placed in a secure detention facility, that a detention hearing will be held within 24 ~~48~~ hours following this placement, excluding Saturday, Sunday and legal holidays. Notwithstanding this provision, if a juvenile has been placed in a secure detention facility pursuant to subsection 7, paragraph B-5, the law enforcement officer or the juvenile community corrections officer shall notify the legal custodian that a detention hearing will be held within 24 hours following this placement, excluding Saturday, Sunday and legal holidays.

Sec. 2. 15 MRSA §3203-A, sub-§4, ¶E is amended to read:

E. If a juvenile ~~caseworker~~ community corrections officer or an attorney for the State orders a juvenile detained, the juvenile ~~caseworker~~ community corrections officer who ordered the detention or the attorney for the State who ordered the detention shall petition the Juvenile Court for a review of the detention in time for the detention hearing to take place within ~~24 hours following the detention~~ the time provided by subsection 5, unless the juvenile ~~caseworker~~ community corrections officer who ordered the detention or the attorney for the State who ordered the detention has ordered the release of the juvenile. The juvenile ~~caseworker~~ community corrections officer who ordered the detention or the attorney for the State who ordered the detention may order the release of the juvenile anytime prior to the detention hearing. If the juvenile is so released, a detention hearing may not be held.

Sec. 3. 15 MRSA §3203-A, sub-§5 is amended to read:

5. Detention hearing. Upon petition by a juvenile ~~caseworker~~ community corrections officer who ordered the detention or an attorney for the State who ordered the detention, the Juvenile Court shall review the decision to detain a juvenile within ~~24~~ 48 hours following the detention, excluding Saturday, Sunday and legal holidays, except that if a juvenile is detained pursuant to subsection 7, paragraph B-5, the Juvenile Court shall review the decision to detain the juvenile within 24 hours following the detention, excluding Saturday, Sunday and legal holidays.

A. A detention hearing must precede and must be separate from a bind-over or adjudicatory hearing. Evidence presented at a detention hearing may include testimony, affidavits and other reliable hearsay evidence as permitted by the court and may be considered in making any determination in that hearing.

B. Following a detention hearing, a court shall order a juvenile's release, in accordance with subsection 4, unless it finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention provided in that subsection. The Juvenile Court shall ensure, by appropriate order, that any such continued detention is otherwise in accordance with the requirements of subsection 4.

C. Continued detention may not be ordered unless the Juvenile Court determines that there is probable cause to believe that the juvenile has committed a juvenile crime.

Sec. 4. 15 MRSA §3203-A, sub-§7, ¶B-4 is amended to read:

B-4. The State is responsible for all physically restrictive juvenile detention statewide, except that the detention for up to 6 hours provided under subsection 1 remains the responsibility of the counties. At the discretion of the sheriff, if the requirements of paragraph B-5 are met, a county may assume responsibility for the detention of a juvenile ~~for the first 48~~ up to 24 hours, excluding Saturdays, Sundays and legal holidays. Upon mutual agreement of the Commissioner of Corrections and the sheriff and upon terms mutually agreeable to them, a juvenile may be ~~further~~ detained by a county for a longer period of time in an approved detention facility or temporary holding resource complying with paragraph B. Any detention of a juvenile by a county must be in a section of a jail or other secure detention facility in compliance with paragraph A or in an approved detention facility or temporary holding resource in compliance with paragraph B. This paragraph does not apply to a juvenile who is held in an adult section of a jail pursuant to court order under paragraph C or D; section 3101, subsection 4, paragraph E-1; or section 3205, subsection 2.

Sec. 5. 15 MRSA §3203-A, sub-§7, ¶B-5 is enacted to read:

B-5. If the juvenile community corrections officer who ordered the detention or the attorney for the State who ordered the detention determines there is no reasonable alternative, a juvenile may be detained in a jail or other secure detention facility intended or primarily used for the detention of adults for up to 24 hours, excluding Saturday, Sunday and legal holidays if:

- (1) The facility meets the requirements of paragraph A;
- (2) The facility is not located in a standard metropolitan statistical area and meets the statutory criteria contained in the federal Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC Section 5601; and
- (3) The juvenile is detained only to await a detention hearing pursuant to subsection 5 or section 3314, subsection 2, transfer to an appropriate juvenile facility, or transport to another jurisdiction.

Sec. 6. Report. The Department of Corrections shall report its progress in implementing the recommendations of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services to the joint standing committee having jurisdiction over corrections matters by April 15, 2001.

SUMMARY

The bill does the following:

1. Expands the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except for juveniles being held in a jail or other secure detention facility that serves adults;
2. Eliminates the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Makes changes that comply with federal law; and
4. Directs the Department of Corrections to report its progress in implementing the recommendations of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services to the joint standing committee having jurisdiction over corrections matters by April 15, 2001.

APPENDIX D

State of Maine Community Corrections Plan Executive Summary

Chapter 1

Executive Summary

SECTION 1 EXECUTIVE SUMMARY

Introduction

The community corrections functions of the Maine Department of Corrections includes Adult Community Corrections and the Division of Juvenile Services. While the community corrections functions have historically been operated in a manner that is distinct from the correctional facilities, there is a positive trend to create a more seamless system within the corrections component. This trend is significant because it puts in place systems that reduce gaps in services for and supervision of offenders. Without filling these gaps in supervision and programming and treatment services, community corrections professionals often find their only sanctioning/treatment options to be placement in secure facilities. This is the most expensive and generally least effective response to an offender in community placement.

In January 1998, P/BA working with the Department of Corrections, prepared and developed the Maine Department of Corrections Master Plan, which included the framework of the adult and juvenile community-based corrections plans and general cost implications of the adult plan. The Master Plan was unanimously adopted by the Governor's Committee on Corrections. The Governor's Subcommittee on Community Corrections had major input into the development of the Community Corrections Plan that was unanimously approved by both the subcommittee and the full committee. While the Master Plan report outlined the vision for the juvenile and adult community corrections systems, it did not include the analysis necessary to detail the full cost of implementation.

The report contained in the Master Plan served as the springboard for the Governor's subcommittee's, MDOC's and P/BA's current efforts to further involve the community corrections practitioners in the refinement of the plan, and conduct the research and data analysis that were necessary to compile the more refined capital and operating costs for the plans presented in this report. The Community Corrections Plan, which address both juvenile and adult issues and needs, was developed with the involvement and input of two committees comprised of practitioners in the Juvenile Services Division and Adult Community Corrections Division respectively. In addition, staff representatives of other agencies worked with the Committees where appropriate to obtain information critical to the development of the plan.

The Community Corrections Plan that follows, is outlined in sections as indicated below:

- **Section 2A**

Includes a brief history of community corrections in Maine that describes the general activities of the juvenile and adult community corrections components, and major program changes through 1998.

- **Section 2B**

Provides a summary of current research that supports the proposed adult and juvenile Community Corrections Plans. It was this research that served as the foundation for the data collection and analysis function of the planning process.

- **Sections 3A and 3B**

Includes the data collected and analysis for both the juvenile and adult community offender populations. The data analysis provided the information necessary to determine the staffing, services and space needed to implement the Community Corrections Plans. The costs for implementing the adult and juvenile plans are directly derived from the Data Analysis and appear in Section 4 of the report.
- **Section 4A and 4B**

Outline the projected costs of both the juvenile and adult community corrections operations. These costs include personnel, service delivery and sanction needs, as well as space.
- **Section 5**

Addresses the implementation of the plan. This section describes the tasks to be implemented over the next four years.
- **Appendix**

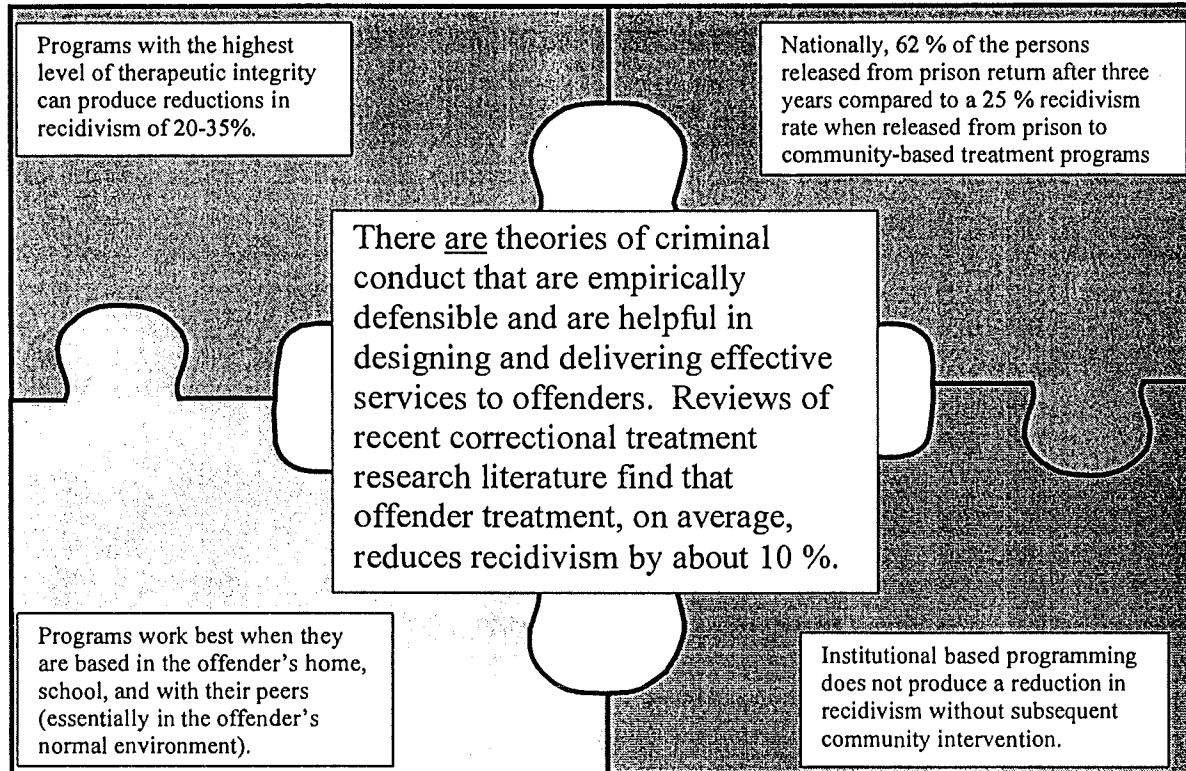
Includes additional information that aids in clarifying the report. Included in the appendix are the preliminary juvenile and adult community-based corrections plans that were issued in January 1998. Modifications made to the report are noted in Italics.

BACKGROUND

Since the mid-1980s, policy makers across the country have turned increasingly to incarceration as the most effective crime prevention strategy. Issues that should be addressed as part of an informed decision-making process include:

- Policy makers have passed a series of tough measures that call for specific and lengthy prison stays which resulted in there now being more than 1.5 million people incarcerated in the United States – up from 500,000 in 1980.
- Many inmates are first time, nonviolent criminals, and are often low-level drug offenders or are on probation and sent back to prison for committing “technical” violations of conditions.
- The overwhelming costs of prison are forcing policy makers to look at new options and approaches, particularly at intermediate punishments, which provide a range of sentencing options outside of prison.
- Probation/parole has been more responsive to prison crowding (in terms of diversion) than any other component of the criminal justice system. The courts tend to rely more on probation to address the treatment and supervision of offenders. Additionally, as prison and jail systems are increasingly pressured to release non-violent offenders, these populations are coming under the supervision of probation.
- Probation/aftercare populations are growing at a faster rate than prison populations.
- Public opinion surveys suggest that policy makers vastly overrate the public’s desire for incarceration as the preferred means of punishment.

Figure 1
CRIMINAL JUSTICE RESEARCH



Based on the research, it is critical to develop more effective strategies for the provision of intensive services and treatment (e.g., combining substance abuse testing with substance abuse treatment with increased staff supervision). It is important to note that adding staff without providing appropriate treatment and sanction options does not show a reduction in recidivism. However, it is the combination of appropriate staffing levels and service/sanction provisions that have proven effective in reducing recidivism. Accordingly, when drafting the Maine Correctional System Master Plan, P/BA, in concert with the MDOC, incorporated the research in the planning for the State's adult and juvenile community corrections system. Key policy decisions included:

- The Balanced Restorative Justice Model would be applied to all community-based initiatives.
- The State would not expand its institutional bed capacity to fully meet its ten year projected needs on the assumption that low risk offenders would be managed in the community, not in the more costly to construct and operate facilities.
- A strong, comprehensive aftercare component would be developed to enhance community reintegration as an adjunct to institutional based programming and pre-release preparation.

- Creation of a meaningful graduated sanctions continuum that would rely less on incarceration and more on enhanced community supervision and treatment for all persons under community supervision, and the least restrictive form of sanctions that would protect the community but provide effective treatment and supervision to clients. A graduated sanctions continuum combines treatment and rehabilitation with reasonable and appropriate sanctions, and offers a continuum of case management service and sanction options for the Probation Officer/Caseworker.
- Graduated sanctions can include the imposition of additional restrictive conditions, enhanced enforcement of financial obligations (e.g., restitution), increased reporting requirements, electronic monitoring, and community service requirements; additional treatment options are made available for probationers with demonstrated treatment needs.
- The offender moves along the continuum (intermediate sanctions) through a well-structured system of phases that addresses both their needs and the safety of the community.
- To be effective, graduated sanctions require planning and agreements with the courts. A graduated sanctions model that best meets the goals of effective supervision allows for a range of sanctions that can be imposed by the probation officer or caseworker.

DATA ANALYSIS

Beginning in November 1997, P/BA worked closely with MDOC staff to develop and implement a survey instrument to manually collect information (that is presently unavailable through a management information system) that would define service and sanction needs of the juvenile and adult populations. This information would allow P/BA to determine what programs needed to be developed, the extent to which they would be used, and the extent to which the incarcerated population could be reduced once such programs are created.

Juvenile Data Analysis

Key findings of the juvenile data analysis included the following:

- Large numbers of juveniles are, in fact, obtaining needed services. However, there are still a sizable number of juveniles in the sample who need various services and are unable to obtain them, in particular, there is a need for counseling, employment skills training, mentoring, recreational and social skills development, and substance abuse outpatient treatment. The list of services desired are listed in Table 1 (page 19).

- One significant finding was the number of juveniles who did not receive services because they, or their parents, refused participation. While this population was not included in the service cost analysis, it is critical that increase supervision is provided to more closely monitor the juvenile to ensure these services are utilized.
- In virtually every instance, the more a juvenile needs a service and is unable or unwilling to obtain it, the greater the frequency of misbehavior while on supervision. For certain types of services--especially, counseling, substance abuse treatment, life skills/independence transition, residential group care, and recreational and social skills development--the likelihood that failure to obtain the service correlates with multiple violations more than doubles.
- There is wide variation in the types of violations that occur while juveniles are on supervision. While no obvious pattern emerges from the data, three of the highest violation frequencies (Failure to Report, Use of drugs or alcohol, and Failure to Attend School) all relate to the supervision of the juvenile and not so much the delivery of services to the juvenile (e.g., failure to attend or comply with the rules of a program or service).
- There is a significant need for the creation of additional mid-level sanctions to respond to violations of supervision. The data further suggests that creation of such sanctions would reserve the most severe responses (e.g., revocation or return to MYC) for those cases in which there is a history of successive violations and/or a serious type of violation. Those intermediate sanctions that seem to warrant the most attention are: day reporting and/or supervised after-school programs; intensive supervision; a truancy program; and three residential programs (Turn-Around Facility), each of which will serve as Intermediate Sanctions Facility and a Behavioral Stabilization Unit.
- There is a need for the creation of a variety of additional services. These include intensive supervision, a residential Behavioral Supervision Unit (described above), substance abuse treatment programs, residential group homes, and day reporting programs to reduce the detention population.

The juvenile survey proved to be an excellent vehicle for collecting useful data about the juvenile offender population. It allowed for the consultants and the MDOC staff to reach reliable conclusions about the extent of the need for additional services and sanctions to meet the needs of juveniles based in the community, as well as those currently held in detention.

Adult Data Analysis

The focus of the adult survey instrument was to identify those services and sanctions that would better serve the probation population and in the long run reduce recidivism and reduce the pressure for increased prison bed capacity.

Key findings of the data analysis included the following:

- The top five needed services for the probation population cited by the State's Probation Officers, supports the literature in terms of addressing "What Works" in corrections. The desired services, representing 49% of all responses, were :
 - Outpatient substance abuse treatment (14%)
 - Family / Group / Individual Counseling (11%)
 - Employment skills Training School Counseling (8%)
 - Life Skills / Independent Transition (8%)
 - Anger Management (8%)

The complete list of services desired is provided in Table 2 (page 20)

- Twenty-two percent of the probation population violated the conditions of their probation. However, nearly one-half (47.5%) of these violations were in the categories of "New Criminal Offense", "Failure to Participate in Treatment / Counseling", and "Failure to or advise law enforcement officials of probation status". Violations such as these often result in Probation Officers setting in motion probation revocation proceedings. This generally results in the most expensive sanctions being imposed (i.e., incarceration in jail or prison). Furthermore, revocation actions force probation officers to spend a great deal of time in court instead of being in the field making effective contact with probation clients.

Both the adult and juvenile surveys showed that staff responses to violations primarily encompassed the two extremes: verbal warning and probation revocation. Staff indicated that they experience significant court delays when taking offenders back to court to have the probation conditions changed. Thus, if at all possible, the probation officer would "warn" the offender rather than initiate revocation proceedings to avoid the lengthy court process. On the other hand, after repeated warnings, or if a violation was more serious, the probation officer initiated the revocation process. This results in crisis management and not effective case management.

COMMUNITY CORRECTIONS PLANS

A brief synopsis of the Community Corrections Plans appears below:

Juvenile Community Corrections Plan

The key objectives of the Community Corrections Plan include the following:

- Maximize public safety by reducing the likelihood of re-offending
- Reduce the detention population without compromising public safety
- Reduce the extent to which juveniles penetrate into the juvenile justice system
- Develop more effective community-based services for juvenile offenders
- Develop a system of graduated sanctions to ensure juveniles receive appropriate supervision and treatment consistent with the least restrictive service option

- Develop more effective strategies for re-integrating incarcerated juveniles into the community
- Develop more effective liaisons with other juvenile agencies and service providers
- Develop capacity to evaluate the effectiveness of various intervention strategies
- Create a “seamless” system integrating community and institutional case management and service delivery.
- Improve the caseload ratios of staff to enhance case management of juveniles on probation and aftercare
- Provide the necessary means for Caseworkers to perform their jobs (e.g., appropriate offices and reporting sites, and communication and management information tools).

Recommended Approaches:

**Diversion and
Community
Supervision**

- Use of an expanded risk and needs assessment instrument
- Ensure that the appropriate number of personnel and services are available to support the necessary interventions for low-risk and moderate-risk juveniles exist in key communities around the state.
- Develop an integrated case management approach whereby caseworkers develop an individualized treatment plan for each juvenile, serves as a broker of those services required, and coordinates individual treatment teams.
- Develop day reporting centers at schools (or other appropriate facilities) throughout the state for tutoring, activities, and community service work projects.
- Develop an Intermediate Sanction Facility (“turn-around facility”), which would be up to a 45-day residential program for juveniles from around the state who have exhausted other forms of graduated sanctions.

After-Care

- Develop a clear plan for handling relapses after release from juvenile institutions integrated with the Core Program.
- Develop strategies to facilitate the involvement of the field caseworker in helping create a juvenile's aftercare plan, and to generally improve coordination between institutional programs and community-based supervision and treatment.

**Information /
Evaluation /
Training**

- Develop a system-wide database for juveniles that enables all appropriate officials (e.g., law enforcement, judiciary, corrections, social work, service providers) to access necessary information about individual juveniles and their criminal history, social history, treatment history, results of risk and needs assessments, etc.
- Develop a research capacity at MDOC to measure the effectiveness of all institutional and community-based interventions for juveniles, and to produce data to enable analysis of the juvenile offender population.

Adult Community Corrections Plan

The key objectives of the Adult Community Corrections Plan include the following:

- Address the needs of staff, victims, and offenders for both probation (the front end of the correctional system) and the back end of the correctional system (i.e., supervised community confinement).
- Develop uniform standards of operation for all aspects of community supervision, including timeframes and formats required for reporting noncompliance and methods of establishing payment plans, verifying offenders' residence and employment status, referring offenders to treatment and other programs, and contacting the offender and others in the community.
- Maximize public safety by reducing the likelihood of re-offending.
- Reduce the reliance on incarceration.
- Expand the availability of pre-release programming to all offenders, some in a secure setting and some in a low-security setting, so no one is released without preparation.
- Develop a system of differentiated services and supervision. Enhance resources available to meet needs of offenders in their home communities.
- Enhance public safety through improved case management and data collection and management.
- Develop effective and graduated sanctions for responding to technical probation violations so as to enhance the credibility of probation and to reduce reliance on incarceration for low-risk offenders. Empower Probation Officers to use sanctions without returning offenders to court for minor modification of probation conditions.
- Provide staff with necessary means to performing their jobs (e.g., appropriate offices and reporting sites, and communication and management information tools).

Recommended Approaches

Diversion and Community Supervision

- Use of an expanded risk and needs assessment instrument.
- Provide for graduated sanctions options that empower Probation Officer to more effectively manage their caseloads. Offenders who are not progressive positively will be returned to more restrictive levels; and, those who are progressing positively would be afforded increased freedoms as they move through the levels.
- Ensure that the appropriate number of personnel and services are available to support the necessary interventions for low-risk and moderate-risk adults exist in key communities around the state.
- Develop an integrated case management approach whereby probation officers develop an individualized treatment plan for each offender, serves as a broker of those services required, and coordinates individual treatment teams.
- Develop four full-service and three satellite resource centers throughout the state.

**Supervised
Community
Confinement**

- Provide a series of pre-release levels of programming and supervision through which all inmates will be evaluated for appropriate placement. These levels will be determined by the risk and needs assessments while confined in the adult facilities.
- Continue community restitution work at every pre-release level.
- Utilization of graduated sanctions should probationers violate minor conditions of their release.

**Information /
Evaluation /
Training**

- Develop a system-wide database for adults that enables all appropriate officials (e.g., law enforcement, judiciary, corrections, social work, service providers) to access necessary information about individual adults and their criminal history, social history, treatment history, results of risk and needs assessments, etc.
- Develop a research capacity at MDOC to measure the effectiveness of all institutional and community-based interventions for adults, and to produce data to enable analysis of the juvenile offender population.

COMMUNITY CORRECTIONS COST ANALYSIS

The analysis that follows addresses the costs for implementing the Juvenile and Adult Community Corrections Plans. For each system, costs are organized into three categories:

- Personnel Costs
- Services / Ancillary Costs
- Space / Capital Costs

Juvenile Community Corrections Plan Costs

Staffing

There are two approaches in determining appropriate staffing levels for juvenile probation and aftercare populations. These approaches are: differentiated caseload analysis (determining caseload ratios based on risk assessments); and, workload analysis (determining caseload ratios based on all caseworker activities that occur throughout the day). While a workload analysis provides more precise data, the extreme limitations of the current MDOC management information system made the workload analysis approach time prohibitive (data would have to be collected and analyzed manually). Therefore, the Juvenile Committee and P/BA looked at national standards for determining differentiated caseload ratios.

The National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) and the American Bar Association have developed recommended standards for juvenile probation caseloads. These recommended standards are displayed in Table 3 (page 21).

P/BA and the Juvenile Community Corrections Committee agreed that these standards were more reflective of Maine's approach than other states. The average of the NAC and American Bar Association were therefore utilized to determine required staffing levels.

- Applying the standards to the current juvenile community-based population resulted in a total of 81 staff required to support the current caseload under the proposed new standards. There are currently 54 case management personnel with the responsibility for juvenile probation and aftercare supervision (includes Resource Coordinator and Contract Providers), with an average non-differentiated caseload of 50 clients for each caseworker (approximate caseload of 2700 divided by 54 case management personnel).
- Case management is a team effort in Maine (and many other states), therefore there are positions other than caseworkers that perform case management functions. These positions include:
 - Juvenile Caseworker
 - Victim Services
 - Resource Coordinators
 - Contract Providers
 - Case Aides (a new position created to provide technical assistance to the Caseworker staff)
- Table 4 (page 21) depicts the breakdown of all staffing positions (those that currently exist and those that are recommended) to adequately address the program of the Community Corrections Plan. The first part of the table lists case management positions (those that were reached through the caseload standards process). The second part of the table, lists "Administrative" positions which include positions that are not case management positions but provide support to the case management team.

Services/Ancillary Costs

The methodology for developing services and ancillary costs is described below:

- The results of the Survey Analysis were the foundation for defining to define the level of treatment needed to meet the actual needs.
- Costs borne by other State or Federal agencies or, in some cases, through parents and their insurance, were subtracted from the final MDOC cost.
- The current MDOC costs (approximately \$731,500 in FY '98) for the provision of the existing services, combined with the percentage of growth in the population needing the service, provides the total estimated MDOC costs for services. The cost of sanctions needed for juveniles in Maine was calculated in much the same manner as the services.

- Ancillary needs associated with enhancing case management include communication tools (e.g., portable cellular telephones) that are required by caseworkers to effectively manage their caseloads.
- Juvenile Caseworkers use their personal vehicles for travel (including both field visits and to transport juveniles to the Maine Youth Center when supervision is revoked). Staff must purchase special insurance at great personal expense for transporting clients, and the potential liability risk to the State for use of personal vehicles for staff and client transportation (particularly in a probation revocation situation) is substantial. Therefore 2 vehicles per region are recommended.

Space/Capital Costs

The space needs for the Juvenile Community Corrections system are based on the recommended staffing plans, and the functional and programmatic requirements necessary to create a fully functional operation at each identified location.

- All thirty-one of the existing office sites were reviewed in terms of their current condition, functionality, size, and current lease cost (where applicable). With a few exceptions, the existing office spaces are sub-standard, functionally inappropriate, non-compliant with ADA or ASHRAE (air quality) regulations and are not secure.
- The space needs being proposed include four regional headquarters and sixteen satellite offices. A detailed space program has been developed for each.
- In addition, there are to be 17 “formal” reporting sites (the MDOC will pay for usage, primarily in courthouses) and 56 “informal” reporting sites (primarily in schools) for clients to meet their caseworkers.
- It is the recommendation of the MDOC that the adult and juvenile systems generally not share office space, as is presently the case in many locations. However, the adult and juvenile operations may be co-located and/or a co-tenant with other state agencies that share a common client base such as DHS, DMHMRSAS, DOL, Public Safety or the Courts.
- In an effort to support Governor King’s efforts to create one-stop government centers, the Department of Corrections has initiated several inter-agency meetings with the agencies listed above to evaluate the feasibility of co-location or co-tenancy. As a result of those meetings and with the support of the Leasing Division of BGS, several opportunities have emerged and are still under evaluation.

A summary of the Part II cost of the Juvenile Community Corrections Plan, if implemented in FY 2000, is outlined in Table 5 (page 22).

Adult Community Corrections Plan Costs

Staffing

There are two approaches in determining the appropriate staffing levels for adult probation and supervised community confinement populations. These approaches are: differentiated caseload analysis (determining caseload ratios based on risk assessments); and, workload analysis (determining caseload ratios based on all probation officer activities that occur throughout the day). While a workload analysis provides more precise data, the extreme limitations of the current MDOC management information system made the workload analysis time prohibitive (data would have to be collected and analyzed manually). Therefore, the Adult Committee and P/BA focused on the differentiated caseload analysis to determine caseload ratios.

In the absence of meaningful national caseload standards, and adequate management information resources to conduct a comprehensive workload analysis, P/BA and the Adult Community Corrections Committee elected to compare Maine caseload ratios to other states throughout the nation.

- P/BA referenced the 1997 Corrections Yearbook that details probation caseload data for each state. For the purpose of comparison, P/BA looked at states that had both probation and parole (post-incarceration services) function. The 1996 data comparison of all states nationally with both the probation and the parole (or supervised community confinement component) is detailed in Table 6 (page 23)
- The caseload sizes of the states with similar geographics and/or demographics show that their caseloads are similar to the average caseloads of probation and parole agencies as reported in the 1997 Corrections Yearbook (See Table 7, page 23).

Key staffing conclusions include:

- Agreement that the average caseload sizes as reported in the 1997 Corrections Yearbook for agencies with both the probation and parole function would be appropriate benchmarks for establishing caseload sizes in Maine.
- Applying the standards to the current adult community-based population resulted in a total of 121 staff required to support the current caseload under the proposed new standards. There are currently 68 case management personnel with the responsibility for adult probation supervision for an average non-differentiated caseload ratio of 110 (approximately 7500 clients divided by 68 case management staff).
- Case management is a team process in Maine that involves the Probation Officers and treatment personnel who, together, implement a case management plan. Positions that perform case management functions include:
 - Probation Officers

- Victim Services
 - Community Resource Coordinators
 - Assistant Regional Correctional Administrators (ARCA)
 - Community Corrections Technicians (a new position being created to assist the Probation Officer with more technical tasks of client supervision)
 - Counselors
 - Public Restitution Supervisor
- Table 8 (page 24) depicts the breakdown of all staffing positions (those that currently exist and those that are recommended) to adequately implement the program of the Adult Community Corrections Plan. The first part of the table shows the case management positions (those that were reached through the caseload standards process). The case management support positions are shown for both the positions that would be required at the Regional Resource Centers and those that would be required in the field. The second part of the table, lists “Administrative” positions which include the positions that are not case management positions but provide support to the case management team. These positions are also disaggregated by their function of either Regional Resource Center or Field Operations.

Services/Ancillary Costs

The methodology for developing services and ancillary costs is described below:

- P/BA used the results of the Survey Analysis that detailed the services that were desired to define the level of treatment needed to meet actual needs. It is important to note that in the Adult Community Corrections Division the current budgeted cost of services to MDOC is relatively small (approximately \$18,000 in fiscal year 1998).
- Most probationers pay for the services themselves and some services are funded by other state agencies (e.g., Office of Substance Abuse) or other non-state agencies (e.g., federal sex offender funding). Based on current MDOC information this comprises 90% of the cost of services.
- The service costs were broken down by “services provided at the Regional Resource Center” (which will be accessible to 90% of the probation population), and services for the remainder of the probationers who are not served by a Regional Resource Center, but instead in their respective communities. Two of the primary goals of the Regional Resource Centers are to maximize economies of scale where possible, and to serve a catchment area population within a 40-mile radius of the Center. Regional offices will also be located at these sites.
- Transportation for the community corrections staff has historically been the responsibility of the Probation Officers. They are currently using their personal vehicles for travel, and often must use their vehicles to transport their clients. Staff must purchase special insurance for this transportation at great personal expense, and

the potential liability risk to the State for use of personal vehicles for staff and client transportation (particularly in a probation revocation situation) is substantial. Therefore a key ancillary need is the provision of vehicles for probation personnel usage and 2 cars and one van per region.

- A second critical ancillary need is for portable cellular telephones which are necessary to ensure effective case management.

Space/Capital Costs

The space needs for the Adult Community Corrections system are based on the recommended staffing plans, and the functional and programmatic requirements necessary to create a fully functional operation at each identified location. All twenty-six of the existing adult community corrections office sites (many are presently combined with juvenile community corrections) were reviewed in terms of their current condition, functionality, size, and current lease cost (where applicable). With a few exceptions, the existing office spaces are sub-standard, functionally inappropriate, non-compliant with ADA or ASHRAE (air quality) regulations and are not secure.

- The space needs being proposed for the adult community corrections system include four regional resource centers/regional offices; three satellite resource centers/satellite offices; and, thirteen sites designated as satellite offices. A detailed space program has been developed for each.
- In addition, there are to be 17 “formal” reporting sites (the MDOC will pay for usage, primarily in courthouses), and 21 “informal” reporting sites (primarily in police stations) for clients to meet their caseworkers.
- The MDOC has initiated inter-agency meetings with DHS, DMHMRSAS, DOL, the Judiciary and Public Safety to evaluate the feasibility of co-location or co-tenancy with those agencies. This is consistent with the Governor’s initiative to co-locate State offices where feasible.

The Part II cost of the Adult Community Corrections Plan, if implemented in FY 2000, is outlined in Table 9 (page 25).

PHASING AND IMPLEMENTATION

One of the most important aspects of developing the Juvenile and Adult Community Corrections plans is determining how the recommendations can be implemented. Implementation must be consistent with the needs, while appropriately addressing priorities and be coordinated with a well-researched planning effort.

The cost implications and infrastructure ramifications of implementing the plan all at once is clearly not a realistic approach. Instead, both the Juvenile and Adult Community

Corrections Plans will be implemented incrementally over a four-year period. Key points that illustrate the need for phasing and general phasing concepts include:

- An incremental approach that allows the Juvenile Services and Adult Community Corrections Divisions in FY 2000 to secure required space, expand contracting for critical services, hire critically needed staff and provide necessary staff training in preparation for the implementation of the full community corrections plan.
- One component of the plan, which is a priority for both the juveniles and adults, is the need of appropriate space for the Probation Officers and Caseworkers. Current office spaces are typically substandard, and do not provide adequate interview and substance abuse testing space (e.g., one office, located in an old boiler room of a local jail, has only one room and no restroom facilities). Additionally, many leases are soon expiring thus requiring immediate resolution.
- Hiring, selecting and training all of the staff at one time would not be prudent. A number of the positions proposed in the plan are required to assist in the plan design and implementation, and these positions would be hired in the first years of the plan.
- Where needed services are in place, but inaccessible due to lack of funding, funding for these services will be a priority. Where services to meet the treatment/sanctioning needs do not yet exist, the services will be phased in over the four-year period commensurate with appropriate planning.

Further Recommendations

Beyond the cost recommendations presented earlier, there are several other components of the overall plan that need to be further developed in order to fully realize the most effective Community Corrections Plans.

- Both the juvenile and adult community corrections staff need to initiate a cooperative venture (between the courts and MDOC) to reach agreement on a graduated sanctions model. This would provide Caseworkers and Probation Officers a range of sanctions they would be able to impose based on the violations, without having to bog down the courts with motions for revocation or requests to change probation conditions.
- Performance measures must be developed to outline desired expectations for the case management of clients. These measures should address the quality and quantity of overall performance of the community corrections component and provide mechanisms to evaluate and measure their performance. Performance measures also provide an effective means of evaluating continued or future funding of programs and services

Implementation

Over the next several years, the MDOC will need to complete a number of tasks to implement the Community Corrections Plan. Implementation of the Plan will require transition from the current set of expectations to the future, which includes more standardized expectations for enhanced case management and expanded service delivery. This transition will take longer than one year, however most of the transition tasks must be initiated in the first year. The initial tasks that need to be completed are listed below.

- Develop a detailed program for the Adult Regional Resource Centers (e.g., how is day reporting going to work).
- Integrate Central Office positions in the MDOC. Develop or revise job descriptions for new positions or staff who may have historically performed the functions of the new positions.
- Develop Performance Standards for Contract Services – performance outcome measures.
- Obtain the necessary tools and implement procedures to ensure a validated risk and needs assessment is conducted on each offender within a reasonable period of time.
- Prepare future Legislative initiatives:
 - Transfer of the adult pre-release operations to adult community corrections.
 - Provide stop-gap legislation for juveniles whose informal adjustment has been revoked (these juveniles are currently not supervised or provided services in the interim between revocation and court action).
- Develop Performance Outcomes for Probation and Casework personnel that are measurable and are tied to meaningful mechanisms for assessing how the divisions are doing and how well they do it.
- Develop detailed programs for the juvenile day reporting centers.
 - Work with local schools
 - Develop and implement mechanisms to assess the performance and success of day reporting centers.
- Develop detailed programs for the Turnaround Facilities (intermediate sanctions facilities).
- Coordinate implementation of the Plan with the Management Information System enhancements. This coordination would include identifying data needs (e.g., recidivism rates).
- Mental Health Needs – This includes the creation of secure mental health crisis beds for juveniles; and development of mental health placements for adults.

- Verify staff assignments based on new caseload standards and evaluate to ensure distribution of workload is equitable. Realign regional boundaries if necessary.
- Expand linkages with local law enforcement, prosecutors and judges to better share information (educative process) to provide the most effective case management to the probationers. This could include enhancing Community Policing.
- Coordination with other state agencies for delivery and provision of services (e.g., Mental Health, Office of Substance Abuse and Department of Labor).
- Develop and implement the Graduated Sanctions plans by working with judges to identify a range of sanctions that a probation/aftercare staff would be empowered to impose, or imposed with notice to the courts. Community and victims advocacy groups should be included in the development and implementation process.
- Revise and/or develop Job Descriptions (e.g., Community Corrections Technicians and Case Aides).

CONCLUSIONS

There are a number of key issues that support the implementation of the Community Corrections Plan. They include:

- The successful implementation of the juvenile and adult facilities plans approved by the Governor and Legislature are tied to parallel implementation of the Community Corrections Plan.
- The Community Corrections Plan embodies the statewide goals of restorative justice by actively engaging victims, the community and the offender in a fair and balanced response and approach to crime and punishment.
- The Plan will set the stage for creation of a “seamless” system of integrated community and facility case management and service delivery.
- Approximately 12% of the current MDOC prison population (approximately 200 inmates) is being held on a probation revocation without committing a new crime. If even 50% of this population were diverted, there could be cost savings of \$2.4 million in operating costs and \$2.2 million in capital costs.
- Implementing the Plan should divert 260 adult supervised community confinement offenders and 83 low and community-risk juvenile offenders from institutional confinement. In current dollars this translates into a savings of \$5.6 million in capital costs and \$6.2 million per year in operating costs for the adult system, and \$4.7 million in capital costs and \$5.3 million in operating costs for the juvenile system. At the very least, the plan pays for itself. If more offenders are diverted, the plan should save the State significant operation costs in the years to come.

Table 1:
NEEDED SERVICES STATEWIDE - JUVENILE

Type of Service	Total Needed Services in FY 2000	Percent of Total Services
Anger Management	272	4%
Family/Group/Individual. Counseling	999	16%
Other mental health services	289	5%
Crisis Intervention	163	3%
Community Service/ Restitution Coordination	265	4%
Emergency Shelter/ Emergency Foster Care	81	1%
Employment Skills Training	327	5
Psychological/Psychiatric/ Neurological Evaluation	378	6
Firesetter's Program/ Fire education & prevention	57	0.9%
Foster home – regular	46	0.7%
Foster home – therapeutic	75	1%
Family support/respite care	250	4%
Psychiatric hospitalization	123	2%
Life skills/independence transition	213	3%
Mentoring	344	5%
Recreational and social skills development	301	5%
Residential group care	296	5%
Residential treatment center	214	3%
Substance abuse treatment – inpatient	255	4%
Substance abuse treatment – outpatient	634	10%
Sex offender treatment	130	2%
Transportation	75	1%
Tutoring	214	3%
Other Services	196	3%
TOTAL	6196	100%

Table 2:
SERVICES NEEDED STATEWIDE – ADULT

Type of Service	Total Services needed by Adults on Probation, Adjusted for Sample Size (n=6400)	Percent of Services Needed
Family/Group/Individual Counseling	1939	11%
Psychological / Psychiatric / Neurological Evaluations	1236	7%
Other Mental Health Services	481	3%
Psychiatric Hospitalization	111	0.5%
Substance Abuse Treatment – Inpatient	755	4%
Substance Abuse Treatment – Outpatient	2383	14%
Family Support / Respite	340	2%
Residential Group Care	118	0.5%
Residential Treatment Center (includes special education services)	259	1%
Crisis Intervention	385	2%
Community Service / Restitution	548	3%
Emergency Shelter	37	0.2%
Employment skills Training	1465	9%
Sex offender treatment (Child victim)	636	4%
Sex offender treatment (Adult victim)	89	0.5%
Fire Education / Prevention	22	0.1%
Life skills / Independence Transition	1310	8%
Recreational and social skills development	932	5%
Anger Management	1332	8%
Cognitive Behavior Program	844	5%
Transportation	666	4%
Other	289	1%
No Service Selected	829	5%
TOTAL	17005	100%

Table 3:
RECOMMENDED JUVENILE SUPERVISION CASELOAD STANDARDS

	Low Level of Supervision	Medium Level of Supervision	High Level of Supervision
National Advisory Committee for Juvenile Justice and Delinquency Prevention	40:1	25:1	12:1
American Bar Association	50:1	35:1	15:1
Average of the recommended caseload sizes.	45:1	30:1	13:1

Table 4:
Juvenile Field Services Staffing

	<i>EXISTING</i>	<i>NEW</i>
Case Management Support		
Juvenile Caseworkers	41	13
Victim Services		2
Resource Coordinators	4	1
Contract Providers	9	3*
Case Aides		8
Total	54	27
Total Case Management Support: 81		
Administrative		
Clerical	7	2
Regional Correctional Administrators	4	
Total	11	2
Total Administrative Positions: 13		

* The number of "new" contract providers are included in the cost of services defined later in this section, and was calculated by including the increase in services reported by the Juvenile Community Corrections Committee.

Table 5:
TOTAL JUVENILE COMMUNITY CORRECTIONS COSTS – PART II

	Personnel	All Other	Total
Field Services			
Personnel	\$1,128,137.86		\$1,128,137.86
Personnel Overhead One-time		\$121,100.00	\$121,100.00
Personnel Overhead Ongoing		\$210,248.00	\$210,248.00
Office Space		\$350,270.00	\$350,270.00
Misc Office Equipment		\$30,450.00	\$30,450.00
Cellular Telephones		\$72,000.00	\$72,000.00
Electronic Monitoring		\$63,529.00	\$63,529.00
Wraparound		\$261,341.00	\$261,341.00
Residential Services		\$1,167,253.00	\$1,167,253.00
JISS		\$877,494.00	\$877,494.00
Emergency Shelter		\$61,525.00	\$61,525.00
Day Reporting*		\$1,215,000.00	\$1,215,000.00
Turn-Around Facility**		\$1,970,000.00	\$1,970,000.00
Building Alternatives		\$250,000.00	\$250,000.00
Vehicles (8@\$357.57/mo.)		\$34,326.72	\$34,326.72
TOTAL	\$1,128,137.86	\$6,684,536.72	\$7,812,674.58

Central Office			
Personnel	\$151,794.00		\$151,794.00
Personnel Overhead		\$15,137.50	\$15,137.50
TOTAL	\$151,794.00	\$15,137.50	\$166,931.50

TOTAL	\$1,279,931.86	\$6,699,674.22	\$7,979,606.08
--------------	-----------------------	-----------------------	-----------------------

*Day Reporting @ \$30/day @ 113 juveniles for six months

**Cost of the Turn-Around Facility (i.e. Intermediate Sanctions Facility) estimated at \$108/day per juvenile in 50 beds at 100% occupancy. Facility to be operated by a private operator.

Table 6:
RANGE OF ADULT CASELOAD RATIOS

	Regular	Intensive	Electronic	Special
State with the highest caseload ratio	165	20	20	n/a
State with the lowest caseload ratio	53	n/a	n/a	n/a
Average of all States	91	21	22	37
Maine	152	n/a	n/a	n/a

Table 7:
**ADULT CASELOADS OF STATES WITH COMPARABLE
 DEMOGRAPHICS AND/OR GEOGRAPHICS**

	Regular	Intensive	Electronic	Special
Vermont	74*	0	0	0
North Dakota	97	0	0	0
Idaho	72	0	30	30
South Dakota**	31	15	0	0
New Hampshire	80	2	0	0
Average of all states with both a probation and aftercare/parole function.	91	21	22	37
Maine	152***	n/a	n/a	n/a

* Average caseload size of both probation and parole.

**Includes parole figures only.

***The 1998 data has adjusted this to 135.

Table 8:
Adult Staffing Breakdown

Resource Centers			Field Operations		
	Existing	New		Existing	New
Case Management Support			Case Management Support		
Counselor (Crisis Intervention, Cognitive Behavior)		7	Probation Officers	68	12
Public Restitution Supervisor / Job Developer		7	Victim Services		2
Comm Corr Tech		7	Assistant RCA		4
Community Resource Coordinator		4	Comm Corrections Tech		3
Contracted Services (Life/Social Skills)		7			
TOTAL	0	32	TOTAL	68	21
Total Case Management Support: 121					

Administrative			Administrative		
Office Manager	4		Clerical		4
Clerk Typist	5		RCA	4	
TOTAL	9		TOTAL	4	4
Total Administrative Positions: 17					

Table 9:
TOTAL ADULT COMMUNITY CORRECTIONS COSTS – PART II

	Personnel	All Other	Total
Personnel	\$2,071,038.10		\$2,071,038.10
Construction/Lease		\$802,961.00	\$802,961.00
Vehicles (8@\$357.57/mo.)		\$34,326.72	\$34,326.72
Transport Van (4@408.73/mo.)		\$19,619.04	\$19,619.04
Transport (other)		\$1,000.00	\$1,000.00
Services **		\$2,758,835.00	\$2,758,835.00
Personnel Overhead One-time		\$252,130.00	\$252,130.00
Personnel Overhead Ongoing		\$360,140.00	\$360,140.00
Misc Office Equipment		\$108,200.00	\$108,200.00
Cellular Telephones		\$93,600.00	\$93,600.00
Supervision (Test,Monitor)		\$15,459.00	\$15,459.00
TOTAL	\$2,071,038.10	\$4,446,270.76	\$6,517,308.86

Central Office			
Personnel	\$203,097.00		\$203,097.00
Personnel Overhead		\$46,704.50	\$46,704.50
TOTAL	\$203,097.00	\$46,704.50	\$249,801.50

TOTAL ALL	\$2,274,135.10	\$4,492,975.26	\$6,767,110.36
------------------	-----------------------	-----------------------	-----------------------

*Total projected cost less FY98 actual costs of \$18,077.42

**The majority of the services are accounted for in personnel costs (Except Anger Management). Other services are provided by outside agencies.

APPENDIX E

Department of Corrections Policy and Procedures: Community Risk Assessment and Minimum Contact Standards

State of Maine
DEPARTMENT OF CORRECTIONS
POLICY & PROCEDURES

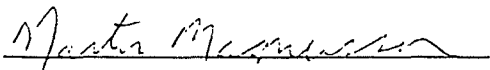
Title: Community Risk Assessment and Minimum Contact Standards

Policy Number: 18.0

Chapter: 18

Effective Date: 10/10/ 1997

Revised:


Commissioner's Signature

APA Date: N/A

I. AUTHORITY 34-A, M.R.S.A Section 1403

II. APPLICABILITY Adult Community Corrections and Adult Correctional Facilities

III. DEFINITIONS

Collateral Contact: Any supervision contact not defined as a personal contact, to include contact with the person(s) with whom the individual resides, e.g. spouse, parents, other relatives, landlord, and contact with others who know and have contact with the individual, e.g. employer, neighbor, minister, counselor, teacher, law enforcement officer.

Community Risk Assessment: The process of assigning a risk level based on an assessment of the individual's risk to the community for the purpose of supervising and managing the offender in the community according to the minimum contact standards defined for each risk level.

Community Risk Assessment Instrument: The risk assessment instrument approved by the Department for use by Probation Officers to identify and assign different risk levels (Maximum, High, Moderate, and Administrative).

Contact Standards: Minimum contact that a Probation Officer must maintain in supervising an individual in the community according to the risk level identified by the Community Risk Assessment Instrument.

Personal Contact: Face to face contact with the individual being supervised by a probation officer.

Policy Override: The override of an individual's risk level to at least a moderate risk level, as mandated by this policy and procedures.

IV. POLICY Probation Officers of the Department of Corrections shall follow a uniform system that assesses the appropriate supervision level of individuals placed on Probation by the Courts and shall maintain supervision accordingly. The Community Risk Assessment established by this policy shall also be incorporated into presentence investigations to help determine the appropriateness of a defendant for community supervision and identify those requiring institutional confinement to protect the community. The Community Risk Assessment shall also be considered in determining a prisoner's appropriate level of supervision upon release to community programs such as furlough, work or educational release, supervised community confinement, or any other community correctional programs.

V. PROCEDURES

Procedure A: Community Risk Assessment & Minimum Contact Standards, General

1. Regional Correctional Administrators shall ensure that all probation officers are trained in the use and application of Community Risk Assessments and minimum contact standards. Such training shall be documented and kept in the individual probation officer's training or personnel file.
2. Probation Officers shall manage and supervise their caseload in accordance with this policy and its procedures.
3. Community Risk Assessments completed on each Probationer shall be placed in the Probationer's case file.
4. Probation Officers shall document their supervision and contact with Probationers in accordance with the minimum contact standards that apply to the risk level assigned to individual Probationers. Documentation shall be included in:
 - a. The Road Book;
 - b. The Monthly Statistical Report; and
 - c. The Supervision Checklist.
5. As a part of their Supervisory Case Management Reviews, Regional Correctional Administrators shall ensure that community risk assessments are being completed and minimum contact standards are being maintained in compliance with this policy and procedures.

Procedure B: Initial Community Risk Assessments

1. An initial Community Risk Assessment shall be completed by the supervising Probation Officer within the first 30 days of the Probationer being placed under supervision. The resulting score shall determine the level of risk assigned to the Probationer. When a Community Risk Assessment was completed as part of a presentence investigation and the defendant was not sentenced to institutional confinement or served less than 12 months in institutional confinement, it is not required that there be a reassessment except in accordance with Procedure C.
2. As a part of conducting a presentence investigation on a defendant, a Probation Officer shall complete a Community Risk Assessment and include in the presentence report to the courts:
 - a. Whether the offender is appropriate for community supervision; and
 - b. If appropriate for community supervision:
 - o the defendant's risk level;
 - o the minimum contact standards required to supervise the defendant in the community; and
 - o any other condition necessary to manage and supervise the defendant in the community.
3. Community risk assessment shall be completed on any prisoner in a Departmental correctional facility being considered for participation in a community program, including furlough, work or educational release, supervised community confinement, or any other community corrections program. In these cases, the Community Risk Assessment shall be completed by the Probation Officer assigned to the facility and forwarded to the Chief Administrative Officer for use in determining the prisoner's appropriate level of supervision in the community.

Procedure C: Reassessments

1. A Probationer's risk level assignment shall be reassessed at least every twelve months or when a change in the Probationer's circumstances warrants a reassessment.

Procedure D: Completion of Community Risk Assessment Instrument & Assigning Risk Levels

1. The Community Risk Assessment Instrument (Appendix A) shall be completed using reliable information gathered from, but not limited to:
 - a. initial interview;
 - b. review of offender's departmental record/history (Probation & Institutional);
 - c. court and criminal history information; and

d. other sources in the community e.g. educators, employers, counselors, law enforcement.

To the extent possible, information used in the risk assessment provided solely by the offender will be verified.

2. The Community Risk Assessment Instrument shall be completed in accordance with the instructions in Appendix B of this policy, Maine Department of Corrections, Community Risk Assessment, Instructions for Completing.

* 3. **Policy Overrides:** The following instant offenses require mandatory policy overrides to at least a moderate risk level:

- a. Motor Vehicle Manslaughter involving substance abuse;
- b. Mental illness involving violence;
- c. Sex offense;
- d. Domestic violence; or
- e. Stalking

4. **Case Overrides** Probation Officers have the authority to override an assigned risk level with the approval of the Regional Correctional Administrator. The reason and justification for the override shall be documented by the Probation Officer and submitted to the Regional Correctional Administrator for review and approval where justified.

5. Individuals shall be assigned to risk levels according to the following point ranges

Maximum Risk	25+ Points
High Risk	18 - 24 Points
Moderate Risk	12 - 17 Points
Administrative	0 - 11 Points

6. A Probationer shall be managed and supervised in accordance with the minimum contact standards established for the level of risk assigned through completion of the Community Risk Assessment.

Procedure E: Minimum Supervision & Contact Standards For Probationers

1. All probationers shall be supervised by Probation Officers in accordance with the minimum contact standards established for the risk level (Maximum, High, Moderate or Administrative) assigned to each Probationer based on the Community Risk Assessment. The priority for community corrections is the supervision of Probationers assigned risk levels of Maximum or High. (At least quarterly, the Probation Officer shall contact any victim who is owed restitution. A victim of a sex offense will be contacted ONLY if they have filed a victim notification request and indicate to the Probation Officer an ongoing interest in being contacted).

2. **Maximum Risk:** Contacts by the Probation Officer with a Probationer classified as Maximum Risk shall consist of 5 contacts during a one month period with at least one contact per week. One contact shall be in the Probationer's home, two shall be face to face contacts with the Probationer, and the remaining two may be collateral contacts, to include at least one employment check every two months. At least quarterly substance abuse testing shall be done if permitted with electronic monitoring as appropriate.
3. **High Risk:** Contacts by the Probation Officer with a Probationer classified as High Risk shall consist of 4 contacts during a one month period including two face to face visits -- one in the home and 2 collateral contacts. One employment check will be conducted every two months, with random substance abuse testing and electronic monitoring as appropriate.
4. **Moderate Risk:** Contacts by the Probation Officers with a Probationer classified as Moderate Risk shall consist of two monthly contact by the Probation Officer, with one face to face and one collateral. Substance abuse testing and electronic monitoring shall be done as appropriate.
5. **Administrative:** Other than the intake process, one initial contact by the Probation Officer shall be made with the Probationer 60 days prior to discharge. The Probationer shall also be seen in exceptional situations, such as a violation or a complaint.
6. **Caseload Redistribution:** Regional Correctional Administrators have the authority to redistribute caseloads in order to meet contact standards within the region.
7. Probation Officers have the discretionary authority to increase contact with a Probationer for a one month period of time without reassessing the Probationer. If there is increased contact with the Probationer for more than one month, the Probationer must be reassessed for assignment to a new risk level.
8. **Opportunities for enhanced supervision:** Probation Officers shall enhance the supervision of Maximum and High Risk Probationers by keeping appropriate law enforcement agencies informed regarding these Probationers whenever possible.
9. **Supervision Checklist, Conditions of Probation & Discharge Summary:** The Probation Officer shall initiate a Supervision Checklist (Appendix D) for each probationer at the beginning of the probationary period, fill it in throughout the probationary period, and attach it to the intake sheet and road notes when the probationer is discharged, in lieu of the "Termination Summary".

VI. PERFORMANCE MEASURES

1. The number of home contacts to Maximum Risk and High Risk Probationers will increase by at least 50% from the baseline data of 1997.

2. The number of collateral contacts for Maximum Risk, High Risk and Moderate Risk Probationers will increase by at least 50% from the baseline data of 1997.
3. The number of contacts with victims will increase by at least 50% from the baseline data of 1997.

APPENDIX B

MAINE DEPARTMENT OF CORRECTIONS COMMUNITY RISK ASSESSMENT

Instructions For Completing

The Community Risk Classification Instrument is required to be completed by all Adult Probation Officers in compliance with Policy and Procedures. Circle the number corresponding with the appropriate response and total the numbers. All information must be as complete and accurate as possible.

Provide individual's legal first name, last name and middle initial. Do not include nicknames or aliases.

PPO code can be obtained from your Regional Correctional Administrator.

1. INSTANT OFFENSE:

Circle the number that corresponds with the severity of the most serious offense using the Offense Severity Index (APPENDIX C). Score based on the original indictment if subject was convicted/pled to a less serious offense. (i.e., if indictment was for GSA but defendant pled to Assault, score as a GSA). When scoring out of state convictions, match conduct most similar to Offense Severity Index.

2. NUMBER OF PRIOR FELONY CONVICTIONS/ADJUDICATIONS:

Circle the number of felony convictions, including adjudication's, prior to date of current assessment. Do not include instant offense(s). Sources of information may include MDOC records, DMV, SBI, FBI, Court records, DA's file, as well as information obtained from defendant. Count multiple convictions as separate offenses. Include offenses with no disposition if offender admits to the conviction. Do not include dispositions such as dismissed/not guilty.

3. AGE AT FIRST CRIMINAL CONVICTION/ADJUDICATION:

Circle the age at which the individual was first convicted or adjudicated of a criminal offense. Include serious motor vehicle offenses that could result in imprisonment. If the instant offense is the first offense, score current age. Exclude dismissed or not guilty offenses.

4. SEVERITY OF PRIOR OFFENSES:

Circle the most serious prior offense, including juvenile adjudication's, using the Offense Severity Index. Use all available sources for information. When scoring out of state convictions, match conduct most similar to Offense Severity Index.

5. CURRENT AGE:

Circle current age. Current age is defined as age at intake if supervision commences immediately, or age at beginning of supervision period if case involves a split sentence or supervision after incarceration, or age at time of transfer if case involves an out of state transfer.

6. CURRENT MARITAL STATUS:

Circle the person's current marital status. Married includes common law marriage which is defined as 'a marriage existing by mutual agreement and cohabitation without a civil or religious ceremony, for a period of a least two years'.

7. PRIOR REVOCATIONS OF SUPERVISION:

Circle the number of prior revocations of probation, parole, or entrustment. Do not include violations which resulted in no finding of violation. Use all available sources of information.

8. RESIDENTIAL STABILITY:

Circle the number of address changes within the prior twelve months. (Do not score changes of mailing address unless it involves actual change of residence.) Prior twelve months is defined as the most recent twelve months if supervision starts immediately, or the twelve months immediately preceding incarceration if a split sentence, or supervision following incarceration.

9. EMPLOYMENT:

Circle employment history for 12 month period prior to supervision or initial incarceration. Full time employment is defined as gainfully employed 26 or more hours per week. Part time employment is defined as gainfully employed 25 or less hours per week. Score full time student, homemaker, or retired as full time employment. Consider constructive use of time when scoring.

10. IMPACT OF SUBSTANCE ABUSE ON BEHAVIOR:

Circle the number that best represents the impact substance abuse has on this offender.

*No disruption of functioning and no illicit drug use includes anyone who denies ever using illicit drugs or using alcohol to excess; denies any drug use or alcohol abuse in the last 2-3 years prior to conviction; or occasional use of alcohol where there is no indication that alcohol has had an impact on behavior or risk to the public.

*Some disruption of functioning and/or history of substance abuse includes anyone with a history of one drug/alcohol related arrest; self admission of substance abuse problem and/or information from other reliable source such as family, friends, employer, police, etc., or recognition from the individual that he/she may need treatment.

*Severe disruption of functioning includes chronic, heavy alcohol and/or drug usage; two or more alcohol/drug related arrests; prior substance treatment; denial/minimization of substance abuse problem despite significant evidence to the contrary; and/or current offense was drug or alcohol related.

RISK LEVELS shall be assigned based on the following resulting scores:

0 - 11 Administrative
12 - 17 Moderate
18 - 24 High
25+ Maximum

MAINE DEPARTMENT OF CORRECTIONS
COMMUNITY RISK ASSESSMENT

Appendix A

NAME _____ MDOC # _____ PROBATION OFFICER NAME & CODE _____

INSTANT OFFENSE:

Low Severity.....1
Moderate Severity.....3
High Severity.....5
Highest Severity.....7

2. PRIOR FELONY CONVICTIONS

(Include Juvenile Adjudications):

No Convictions.....0
One to Two Convictions.....1
Three or More Convictions.....3

3. AGE AT FIRST CONVICTION
OR JUVENILE ADJUDICATION:

25 and Over.....1
18 to 24.....2
16 to 17.....3
15 and Under.....4

4. SEVERITY OF PRIOR OFFENSES

(Include Juvenile Adjudications):

No Prior Offenses.....0
Low Severity.....1
Moderate Severity.....2
High Severity.....3
Highest Severity.....5

SUBTOTAL OF 1 - 4

5. CURRENT AGE:

40 and over.....0
30 to 39.....1
22 to 29.....2
21 and under.....3

6. CURRENT MARITAL STATUS:

Married or Common Law.....0
Widowed/Divorced.....1
Never Married.....2

7. PRIOR REVOCATIONS OF SUPERVISION

(Probation, Parole, or Aftercare):

None.....0
One.....2
Two or More.....4

8. RESIDENTIAL STABILITY:

Stable.....0
More Than Two Address Changes
in Last Twelve Months.....2

9. EMPLOYMENT:

Employed Full-Time
(26 or more hours per week).....0
Employed Part-Time
(25 or less hours per week).....1
No Employment.....2

10. IMPACT OF SUBSTANCE ABUSE:

No disruption of Functioning
and no illicit drug use.....0
Some Disruption of Functioning or
has a history of substance abuse.....2
Severe Disruption of Functioning or
offense was drug/alcohol related.....3

TOTAL _____

INITIAL ASSESSMENT DATE

Policy Override: [1,2,3,4,5] Select all that apply]

1. M/V Manslaughter w/substance abuse 2. Stalking 3. Mental Illness
w/violence. 4. Domestic Violence 5. Sex Offense

Case Override

(Describe)

Assigned Supervision Level: [Select appropriate level]

1. Administrative 2. Moderate 3. High 4. Maximum
(0-11) (12-17) (18-24) (25 +)

RCA Approval

Date: _____ Signature: _____

FIRST REASSESSMENT DATE

Policy Override: [1,2,3,4,5] Select all that apply]

1. M/V Manslaughter w/substance abuse 2. Stalking 3. Mental Illness
w/violence. 4. Domestic Violence 5. Sex Offense

Case Override

(Describe)

Assigned Supervision Level: [Select appropriate level]

1. Administrative 2. Moderate 3. High 4. Maximum
(0-11) (12-17) (18-24) (25 +)

RCA Approval

Date: _____ Signature: _____

SECOND REASSESSMENT DATE

Policy Override: [1,2,3,4,5] Select all that apply]

1. M/V Manslaughter w/substance abuse 2. Stalking 3. Mental Illness
w/violence. 4. Domestic Violence 5. Sex Offense

Case Override

(Describe)

Assigned Supervision Level: [Select appropriate level]

1. Administrative 2. Moderate 3. High 4. Maximum
(0-11) (12-17) (18-24) (25 +)

RCA Approval

Date: _____ Signature: _____

THIRD REASSESSMENT DATE

Policy Override: [1,2,3,4,5] Select all that apply]

1. M/V Manslaughter w/substance abuse 2. Stalking 3. Mental Illness
w/violence. 4. Domestic Violence 5. Sex Offense

Case Override

(Describe)

Assigned Supervision Level: [Select appropriate level]

1. Administrative 2. Moderate 3. High 4. Maximum
(0-11) (12-17) (18-24) (25 +)

RCA Approval

Date: _____ Signature: _____

Maine Department Of Corrections Community Risk Reassessment Scoring Instructions

Begin with subtotal of 1 - 4 from Initial Assessment. Score all for period of previous 12 months or period since last assessment/reassessment.

1. Revocations of Supervision:

*Score any revocations of probation or parole within previous 12 months or since last assessment. Include revocations which resulted in no incarceration.

2. Employment:

*Score employment history. Consider full time students, homemakers, retired persons as employed.

3. Impact of Substance Abuse on Behavior:

*No disruption of functioning/ some disruption/ or severe disruption. Refer to Initial scoring instructions.

4. Response to Conditions of Supervision:

*Follows through with most/all conditions/expectations.

*Needs constant reminders to ensure compliance, little self motivation.

*Consistent noncompliance, does not follow through with expectations/ or violation pending.

5. Social Relationships/Companions:

*Mostly positive associates/relationships, no indication of criminal activity.

*Continually maintains criminal/anti-social associates.

6. Use of Community Resources:

*Good use of resources or use of community resources not necessary.

*Community resources needed but not available/ utilizes resources but little change.

*Resources available but no use/or violation pending.

7. Current Living Situation:

*Maintained stable/consistent living arrangement.

*Occasional disorganization/problems with living arrangement.

*Constant disruptions/major disorganization with living arrangements.

8. Current Marital Status:

*Married or common law (2 or more years cohabitation).

*Divorced/widow(er) and not remarried

*Never married

**MAINE DEPARTMENT OF CORRECTIONS
COMMUNITY RISK REASSESSMENT**

NAME _____ MDOC # _____ PROBATION OFFICER NAME & CODE _____

REASSESSMENT DATE _____

REASSESSMENT DATE _____

SUBTOTAL 1 - 4 FROM INITIAL ASSESSMENT _____

SUBTOTAL 1 - 4 FROM INITIAL ASSESSMENT _____

1. REVOCATIONS (since last assessment)

(Probation, Parole, or Aftercare):

None.....0
One.....1
Two or More.....2

2. EMPLOYMENT:

Employed Full-Time
(26 or more hours per week).....0
Employed Part-Time
(25 or less hours per week).....1
No Employment.....2

3. IMPACT OF SUBSTANCE ABUSE:

No disruption of Functioning
and no illicit drug use.....0
Some Disruption of Functioning or
has a history of substance abuse.....1
Severe Disruption of Functioning.....2

4. RESPONSE TO CONDITIONS OF SUPERVISION

Full Compliance.....0
Moderate Compliance.....1
Non-Compliance.....3

5. SOCIAL RELATIONSHIPS/COMPANIONS:

Mainly Non-Criminal.....0
Mainly Criminal.....1

6. USE OF COMMUNITY RESOURCES:

Good/Not Needed.....0
Needed-Not Available / Utilized/No Benefit.....1
Available/Not Used.....2

7. CURRENT LIVING SITUATION:

Stable.....0
Occasional Disorganization.....1
Major Disorganization.....2

8. CURRENT MARITAL STATUS:

Married or Comon Law.....0
Widow(ed)/Divorced.....1
Never Married.....2

(Subtotal plus 1 - 8) TOTAL _____

1. REVOCATIONS (since last assessment)

(Probation, Parole, or Entrustment):

None.....0
One.....1
Two or More.....2

2. EMPLOYMENT:

Employed Full-Time
(26 or more hours per week).....0
Employed Part-Time
(25 or less hours per week).....1
No Employment.....2

3. IMPACT OF SUBSTANCE ABUSE:

No disruption of Functioning
and no illicit drug use.....0
Some Disruption of Functioning or
has a history of substance abuse.....1
Severe Disruption of Functioning.....2

4. RESPONSE TO CONDITIONS OF SUPERVISION

Full Compliance.....0
Moderate Compliance.....1
Non-Compliance.....3

5. SOCIAL RELATIONSHIPS/COMPANIONS:

Mainly Non-Criminal.....0
Mainly Criminal.....1

6. USE OF COMMUNITY RESOURCES:

Good/Not Needed.....0
Needed-Not Available / Utilized/No Benefit.....1
Available/Not Used.....2

7. CURRENT LIVING SITUATION:

Stable.....0
Occasional Disorganization.....1
Major Disorganization.....2

8. CURRENT MARITAL STATUS:

Married or Comon Law.....0
Widow(ed)/Divorced.....1
Never Married.....2

(Subtotal plus 1 - 8) TOTAL _____

APPENDIX F

Juvenile Caseworker and Probation Officer Questionnaire Analyses of Responses

Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services

Juvenile Caseworkers Questionnaire Analysis

Response Rate:

The questionnaire response rate was 43%. A total of 109 questionnaires were mailed out - 68 to adult probation officers and 41 to juvenile caseworkers. A total of 47 questionnaires were returned; 17 of these were from juvenile caseworkers.

Respondents Characteristics:

65% of the respondents work in both rural and urban areas
47% of the respondents have worked in probation services for 1-3 years while 24% of the respondents have worked in probation services for over 10 years

Questionnaire Results Summary:

- **Separation of adult and juvenile services**

- >41% of the juvenile caseworkers that responded to the questionnaire feel that the separation of adult/juvenile services has had a negative impact while another 41% feel that the separation has been positive
- > 35% feel that the separation has been negative because there has been a loss of collaboration and sharing of information between juvenile caseworkers and adult probation officers
- > 35% feel that the separation has been positive because both adult probation officers and juvenile caseworkers can focus on their own goals
- >18% feel that the separation has been both positive and negative

- **Number of probation officers and juvenile caseworkers**

- >88% of the juvenile caseworkers that responded to the questionnaire feel the current number field officers is insufficient to perform their jobs effectively and safely

- **Caseloads**

- > 53% of the juvenile caseworkers that responded to the questionnaire feel caseload numbers are too high

- **Office space**

- > 76% of the juvenile caseworkers that responded to the questionnaire feel they have adequate office space
- > 82% of the respondents feel that they do not have adequate support staff

- **Safety**

- > 65% of the juvenile caseworkers that responded to the questionnaire feel DOC policies do not adequately address safety
- > 24% feel that caseworkers should have more police training for house checks
- > 18% feel that juvenile caseworkers should have the option of being armed
- > 18% feel that their needs to be an increased concern for probation officer safety

- **Morale**

- > 76% of the juvenile caseworkers that responded to the questionnaire feel morale is poor/low
- > 59% feel that morale is declining
- > 24% of the juvenile caseworkers that responded to the questionnaire believe that restoring the 16% pay cut will improve morale; 24% feel that improving management-employee relations will improve morale; 24% feel that reducing paperwork and caseload will improve morale
- > 18% feel that hiring more caseworkers will improve morale

- **Community corrections plan**

- > 41% of the juvenile caseworkers that responded to the questionnaire are familiar with the DOC community corrections plan; 41% are not familiar with the plan
- > 59% responded that they did not have an opportunity to provide input regarding the plan
- > 59% of the respondents did not answer the question regarding what changes they would like to see added or deleted to the plan

- **Sharing of juvenile information**

- > 65% of the juvenile caseworkers that responded to the questionnaire feel that the current laws regarding the sharing of information about juveniles are adequate
- > 53% feel that the existing laws provide for adequate information sharing while 41% feel that information sharing needs to be improved because existing policies are too restrictive

- **Suggested changes at the Department of Corrections**

- > 24% of the juvenile caseworkers that responded to the questionnaire feel that the one change that DOC could make increase communication and professionalism; 24% feel that DOC could reduce caseload and paperwork
- > 18% feel that juvenile and adult services should be reclassified

Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services

QUESTIONNAIRE Juvenile Caseworker Responses

Juvenile or Adult services: 17 juvenile caseworkers responded to the survey
questionnaire (34% of total responses)

Coverage area:

Rural	18% (3)
Urban	18% (3)
Both	65% (11)
No answer	0% (0)

Length of service:

Less than 1 yr.	18% (3)
1-3 yrs.	47% (8)
4-6 yrs.	0% (0)
7-10 yrs.	6% (1)
Over 10 yrs.	24% (4)
No answer	6% (1)

1. Do you believe that the separation of adult and juvenile services field offices is a positive or a negative concept?

Positive	41% (7)
Negative	41% (7)
Both positive and negative	18% (3)
No answer	0% (0)

Why?

Negative, Loss of collaboration/ shared info	35% (6)
Positive, Both adult POs and juvenile CWs can focus on their goals	35% (6)
Negative, Loss of money/ inability to share staff/resources	6% (1)
Positive, Helps limit interaction between juvenile and adult offenders	6% (1)
Both positive and negative	18% (3)
No answer	0% (0)

2. Do you believe that the current number of (adult or juvenile) field officers is sufficient to perform mandated job functions safely and effectively given your current caseload?

Sufficient 12% (2)
Insufficient 88% (15)

Comments?

Caseloads are too high	53% (9)
Field officers are understaffed	12% (2)
Too much paperwork to be efficient	12% (2)
There is adequate staffing	12% (2)
Home visits should be done in pairs	0% (0)
There is insufficient time to perform tasks	12% (2)
No answer	0% (0)

3. Currently, do you have adequate office space?

Yes 76% (13)
No 24% (4)
No answer 0% (0)

Currently, do you have adequate support staff?

Yes 18% (3)
No 82% (14)
No answer 0% (0)

Comments?

Inadequate staffing	41% (7)
Both staff and office space are inadequate	35% (6)
No answer	12% (2)
Staff is adequate	6% (1)
Both office space and staff is adequate	6% (1)
Need a more efficient computer system	0% (0)

4. Do you feel current DOC policies and procedures adequately address officer and caseworker safety, as well as public safety?

Yes 12% (2)
No 65% (11)
No answer 12% (2)
Other 12% (2)

What changes, if any, would you suggest?

House checks in pairs should be mandatory	12% (2)
PO's should have more police training for house checks	24% (4)
Increase concern for POs safety	18% (3)
N/A	24% (4)
Policies are adequate	6% (1)
POs and CWs should have the option of being armed	18% (3)
House checks should not be done in a personal vehicle	0% (0)
Practice shooting w/out prior approval	0% (0)
Policies are too restrictive	0% (0)

5. How do you perceive the overall morale within both adult and juvenile community corrections staff?

Morale is poor/low	76 % (13)
Morale is satisfactory	12% (2)
Morale is improving	6% (1)
N/A	6% (1)

Do you feel that morale has been improving or declining?

Declining	59% (2)
Improving	18% (3)
Don't know	0% (0)
No answer/can not answer	6% (1)
Is the same	12% (2)
Both improving and declining	6% (1)

What could DOC do to improve morale?

Restore 16% pay cut	24% (4)
Improve management-employee relations	24% (4)
Reduce paperwork & caseload	24% (4)
Hire more caseworkers	18% (3)
Fire upper management, add pay raise	0% (0)
N/A	12% (2)

6. Are you familiar with the DOC Community Corrections Plan? (See attached Executive Summary)

Yes	41% (7)
No	41% (7)
No answer	18% (3)

Have you had an opportunity to provide input regarding the plan? If so, how much?

Yes	29% (5)
No	59% (10)
No answer	12% (2)

What changes, if any, would you like to see added to or deleted from the plan?

N/A	59% (10)
Not familiar w/ plan	12% (2)
Plan is too costly/unrealistic	6% (1)
Plan is going in right direction	0% (0)
Increase emphasis on community corrections & halfway homes	6% (1)
Make a separate section for juveniles	6% (1)
JISS workers shouldn't be counted as they increase CWs workload	6% (1)
Hire more staff	0% (0)

7. Do you feel that the current laws regarding the sharing of information about juveniles with schools, victims, hospitals, social service agencies and law enforcement agencies are adequate?

Yes, they are adequate	65% (11)
No, they are not adequate	29% (5)
Not applicable/ unfamiliar with the laws	0% (0)
No answer	0% (0)
Both, adequate and inadequate	6% (1)

Why or why not?

Improve information sharing, policies are too restrictive	41% (7)
Adequate information sharing	53% (9)
N/A	6% (1)
No contact w/ juveniles	0% (0)

8. If you had the authority to make one change within the DOC, what would that change be?

Increase pay	6% (1)
Increase communication and professionalism	24% (4)

Increase staff	12% (2)
Reduce caseload & paperwork for POs and CWs	24% (4)
Improve POs and CWs safety	0% (0)
Reclass Juvenile/Adult services	18% (3)
Promote qualified staff	0% (0)
N/A	6% (1)
Increase funding for juvenile and family programs	6% (1)
Link the probation system more to the court system	0% (0)
Arm juvenile caseworkers	6% (1)
Do away with the DOCIS program	0% (0)

Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services

Adult Probation Officers Questionnaire Analysis

Response Rate:

The questionnaire response rate was 43%. A total of 109 questionnaires were mailed out - 68 to adult probation officers and 41 to juvenile caseworkers. A total of 47 questionnaires were returned; 30 of these were from adult probation officers.

Respondents Characteristics:

43% of the respondents work in both rural and urban areas

33% of the respondents work in rural areas

73% of the respondents have worked in probation services for over 10 years

Questionnaire Results Summary:

- **Separation of adult and juvenile services**

- >53% of the probation officers who responded to the questionnaire feel that the separation of adult/juvenile services has had a negative impact

- > 40% feel that the separation has been negative because there has been a loss of collaboration and sharing of information between juvenile caseworkers and adult probation officers

- > 20% feel that the separation has been positive because it helps limit interaction between juvenile and adult offenders

- **Number of probation officers and juvenile caseworkers**

- > 100% of the probation officers who responded to the questionnaire feel the current number of probation officers and juvenile caseworkers is insufficient to perform their jobs effectively and safely

- **Caseloads**

- >33% of the probation officers who responded to the questionnaire feel caseload numbers are too high

- > 27% feel that probation officers and juvenile caseworkers are understaffed

- >27% feel that home visits should be done in pairs

- **Office space**

- > 53% of the probation officers who responded to the questionnaire feel they do not have adequate office space; 43% feel that they do have adequate office space

- > 87% of the respondents feel that they do not have adequate support staff

- **Safety**

- > 70% of the probation officers who responded to the questionnaire feel DOC policies do not adequately address safety
- > 37% feel that house checks performed in pairs should be mandatory
- > 17% feel that probation officers feel that there needs to be an increased concern for probation officer safety

- **Morale**

- > 90% of the probation officers who responded to the questionnaire feel morale is poor
- > 77% feel that morale is declining
- > 57% of the probation officers who responded to the questionnaire believe that restoring the 16% pay cut will improve morale
- > 33% feel that improving management-employee relations will improve morale

- **Community corrections plan**

- > 57% of the probation officers who responded to the questionnaire are familiar with the DOC community corrections plan; 30% were not familiar with the corrections plan
- > 53% responded that they did not have an opportunity to provide input regarding the plan
- > 43% of the respondents did not answer the question regarding what changes they would like to see added or deleted to the plan; 17% responded that the plan is going in the right direction

- **Sharing of juvenile information**

- > 40% of the probation officers who responded to the questionnaire feel that the current laws regarding the sharing of information about juveniles are not adequate; 40% responded that they were too unfamiliar with the laws to answer the question
- > 44% feel that the existing laws are too restrictive; 23% did not answer the question; and 27% answered that they do not have contact with juveniles

- **Suggested changes at the Department of Corrections**

- > 33% of the probation officers who responded to the questionnaire feel that the one change that DOC could make is to increase their pay
- > 20% feel that DOC could increase communication and professionalism

Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services

QUESTIONNAIRE Adult Probation Officer Responses

Juvenile or Adult services: 30 adult services probation officers responded to the survey questionnaire (66% of total responses)

Coverage area:

Rural	33% (10)
Urban	20% (6)
Both	43% (13)
No answer	3% (1)

Length of service:

Less than 1 yr.	7% (2)
1-3 yrs.	7% (2)
4-6 yrs.	7% (2)
7-10 yrs.	7% (2)
Over 10 yrs.	73% (22)
No answer	0% (0)

1. Do you believe that the separation of adult and juvenile services field offices is a positive or a negative concept?

Positive	30% (9)
Negative	53% (16)
Both positive and negative	10% (3)
No answer	6% (2)

Why?

Negative, Loss of collaboration/ shared info	40% (12)
Positive, Both adult POs and juvenile CWs can focus on their goals	13% (4)
Negative, Loss of money/ inability to share staff/resources	17% (5)
Positive, Helps limit interaction between juvenile and adult offenders	20% (6)
Both positive and negative	10% (3)
No answer	0% (0)

2. Do you believe that the current number of (adult or juvenile) field officers is sufficient to perform mandated job functions safely and effectively given your current caseload?

Sufficient 0% (0)
Insufficient 100% (30)

Comments?

Caseloads are too high	33% (10)
Field officers are understaffed	27% (8)
Too much paperwork to be efficient	7% (2)
There is adequate staffing	3% (1)
Home visits should be done in pairs	27% (8)
There is insufficient time to perform tasks	3% (1)
No answer	0% (0)

3. Currently, do you have adequate office space?

Yes 43% (13)
No 53% (16)
No answer 3% (1)

Currently, do you have adequate support staff?

Yes 7% (2)
No 87% (26)
No answer 7% (2)

Comments?

Inadequate staffing	37% (11)
Both staff and office space are inadequate	40% (12)
No answer	13% (4)
Staff is adequate	3% (1)
Both office space and staff is adequate	3% (1)
Need a more efficient computer system	3% (1)

4. Do you feel current DOC policies and procedures adequately address officer and caseworker safety, as well as public safety?

Yes 27% (8)
No 70% (21)
No answer 3% (1)
Other 0% (0)

What changes, if any, would you suggest?

House checks in pairs should be mandatory	37% (11)
PO's should have more police training for house checks	10% (3)
Increase concern for POs safety	17% (5)
N/A	10% (3)
Policies are adequate	13% (4)
POs and CWs should have the option of being armed	0% (0)
House checks should not be done in a personal vehicle	3% (1)
Practice shooting w/out prior approval	7% (2)
Policies are too restrictive	3% (1)

5. How do you perceive the overall morale within both adult and juvenile community corrections staff?

Morale is poor/low	90 % (27)
Morale is satisfactory	0% (0)
Morale is improving	7% (2)
N/A	3% (1)

Do you feel that morale has been improving or declining?

Declining	77% (23)
Improving	7% (2)
Don't know	10% (3)
No answer/can not answer	3% (1)
Is the same	3% (1)
Both improving and declining	0% (0)

What could DOC do to improve morale?

Restore 16% pay cut	57% (17)
Improve management-employee relations	33% (10)
Reduce paperwork & caseload	7% (2)
Hire more caseworkers	0% (0)
Fire upper management, add pay raise	3% (1)
N/A	0% (0)

6. Are you familiar with the DOC Community Corrections Plan? (See attached Executive Summary)

Yes	57% (17)
No	30% (9)
No answer	13% (4)

Have you had an opportunity to provide input regarding the plan?

Yes	30% (9)
No	53% (16)
No answer	17% (5)

What changes, if any, would you like to see added to or deleted from the plan?

N/A	43% (13)
Not familiar w/ plan	13% (4)
Plan is too costly/unrealistic	10% (3)
Plan is going in right direction	17% (5)
Increase emphasis on community corrections & halfway homes	10% (3)
Make a separate section for juveniles	3% (1)
JISS workers shouldn't be counted as they increase CWs workload	0% (0)
Hire more staff	3% (1)

7. Do you feel that the current laws regarding the sharing of information about juveniles with schools, victims, hospitals, social service agencies and law enforcement agencies are adequate?

Yes, they are adequate	13% (4)
No, they are not adequate	40% (12)
Not applicable/ unfamiliar with the laws	40% (12)
No answer	7% (2)
Both, adequate and inadequate	0% (0)

Why or why not?

Improve information sharing, policies are too restrictive	44% (13)
Adequate information sharing	7% (2)
N/A	23% (7)
No contact w/ juveniles	27% (8)

8. If you had the authority to make one change within the DOC, what would that change be?

Increase pay	33% (10)
Increase communication and professionalism	20% (6)
Increase staff	13% (4)
Reduce caseload & paperwork for POs and CWs	3% (1)
Improve POs and CWs safety	7% (2)
Reclass Juvenile/Adult services	0% (0)
Promote qualified staff	7% (2)
N/A	10% (3)
Increase funding for juvenile and family programs	0% (0)
Link the probation system more to the court system	3% (1)
Arm juvenile caseworkers	0% (0)
Do away with the DOCIS program	3% (1)

APPENDIX G

**Memorandum Outlining York County Juvenile Court Pilot Project from Honorable
Jon D. Levy, District Court Judge**

STATE OF MAINE
DISTRICT COURT
WESTERN YORK DIVISION
BUTLER STREET, P.O. BOX 95
SPRINGVALE, MAINE 04083

Memorandum

To: Study Group to Review Procedures and Consider Improvements in
Juvenile and Adult Probation Services
From: Judge Jon D. Levy
Date: December 15, 1998
Re: Presentation Regarding the York County Juvenile Court Pilot Project

Documents

- I. OJJDP, "Delays in Juvenile Court Processing of Delinquency Cases" (March 1997)
- II. Overview of the York County Juvenile Court Pilot Project
- III. Protocol for the York County Juvenile Court Pilot Project
- IV. Form - "Notice to Appear"
- V. Memorandum - Juvenile Court Scheduling
- VI. Form - "Important Notice"



OJJDP Office of Juvenile Justice and Delinquency Prevention

Shay Bilchik, Administrator

Fact Sheet #60 March 1997

Delays in Juvenile Court Processing of Delinquency Cases

by Jeffrey A. Butts, Ph.D.

With the increase in delinquency caseloads throughout the Nation, juvenile justice experts are concerned that delays in case processing are reducing the effectiveness of the juvenile court process. Compared with criminal court trials, the juvenile court process may seem expeditious. However, delays in the juvenile justice system should be viewed from the perspective of an adolescent offender. Professional standards suggest that even the longest case should be processed within 90 days. Yet, a 90-day process means that a 14-year-old offender will wait the equivalent of a summer vacation for services or sanctions. In many of the Nation's juvenile courts, young offenders wait even longer.

Case processing time

This analysis examines the timing of the juvenile court process using a large data base of case records contributed to the National Juvenile Court Data Archive. The analysis describes nearly 3 million delinquency cases handled between 1985 and 1994 by 267 jurisdictions in 17 States (Alabama, Arizona, Connecticut, Florida, Hawaii, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Carolina, Utah, and Wisconsin). These jurisdictions were analyzed because (1) they were relatively large, with populations of at least 20,000; (2) they contributed detailed case records to the Archive every year from 1985 through 1994; and (3) their data files included reliable measures of court processing time. Together they contain 22% of the U.S. juvenile population.

Controlling the speed of the juvenile court process

The Federal constitutional right to a speedy trial has never been extended to juveniles. In some States (e.g., Illinois and Kansas) juveniles have been explicitly denied this right. Only six States (Arkansas, Florida, Minnesota, New Hampshire, New York, and Washington) have enforced the dismissal of delinquency charges when court processing time exceeds statutory limits. Most juvenile courts continue to rely on voluntary goals and professional standards to control the timing of delinquency dispositions.

Several series of juvenile justice standards have been issued by Federal agencies and national associations in the past two decades. The National District Attorneys Association recommended that no more than 60 days elapse between police referral and court disposition for juveniles held in secure detention, and that cases involving nondetained juveniles be completed in 90 days or less. Other juvenile justice standards (including those published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the American Bar Association) have called for shorter processing times.

The longest disposition time recommended by national juvenile justice standards is 60 days for detained youth and 90 days for all others

Maximum Days Before Juvenile Court Adjudication and Disposition

Detained Juveniles	Adjudication	Disposition
NDAA (1989)	30	60
ABA (1984)	15 ^a	30 ^a
NAC/OJJDP (1980)	18	33
IJA/ABA (1977-80)	15	30
Released Juveniles		
NDAA (1989)	60	90
ABA (1984)	30 ^b	45 ^b
NAC/OJJDP (1980)	65	80
IJA/ABA (1977-80)	30	60

a. Time limit begins at point of detention admission rather than referral.

b. Time limit begins at filing of delinquency petition rather than referral.

IJA/ABA = Institute of Judicial Administration/American Bar Association

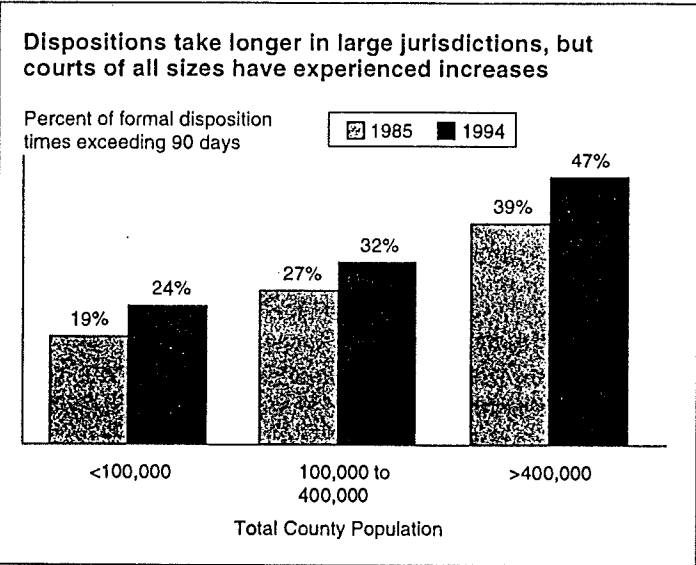
NAC/OJJDP = National Advisory Committee for Juvenile Justice and Delinquency Prevention/OJJDP

ABA = National Conference of State Trial Judges (Standards 2.50-2.56)

NDAA = National District Attorneys Association (Standard 19.2)

Nearly half of the formal cases in large jurisdictions take more than 90 days to reach disposition—the maximum time suggested by professional standards

The combined annual caseload of the 267 jurisdictions mentioned previously increased 57% between 1985 and 1994, from 237,509 to 372,055 cases per year. In 1985 half of the delinquency cases handled by these jurisdictions reached final disposition within 6 weeks (i.e., the median was 43 days). By 1994 the median disposition time for all delinquency cases had increased 26% to 54 days. In the largest jurisdictions (more than 400,000 in population), half of the formally handled cases involving non-detained juveniles had disposition times in excess of 82 days.



For further information

This Fact Sheet presents findings from the Delays in Juvenile Justice Sanctions Project conducted by the National Center for

The median time to disposition for delinquency cases increased 26% between 1985 and 1994

	Median Days to Disposition		
	1985	1994	Percent Change
Total Delinquency Cases	43	54	26%
Population of Jurisdiction			
<100,000	28	34	21%
100,000 to 400,000	34	46	35
>400,000	49	59	20
Manner of Court Handling			
Informal (nonpetitioned)	23	28	22%
Formal (petitioned)	64	72	13
Formal Cases Only			
Population of Jurisdiction			
<100,000	41	46	12%
100,000 to 400,000	53	58	9
>400,000	73	84	15
Predisposition Detention			
Youth not detained	69	82	19%
Youth securely detained	49	58	18
Result of Court Handling			
Youth not adjudicated	67	77	15%
Youth formally adjudicated	60	69	15
Most Serious Offense			
Person	75	82	9%
Property	64	73	14
Drug	67	77	15
Public order	47	56	19

Juvenile Justice. For a complete report of the findings, call the National Center for Juvenile Justice, 412-227-6950.

Jeffrey A. Butts was Director of the Delays in Juvenile Justice Sanctions Project, which was supported by an OJJDP grant.

FS-9760

BULK RATE
POSTAGE & FEES PAID
DOJ/OJJDP
Permit No. G-91

U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention
Washington, D.C. 20531
Official Business
Penalty for Private Use \$300

Overview of the York County Juvenile Court Pilot Project

Timeline for Pilot Project Cases

Day 1

Police Officer
issues and
serves a
Notice to
Appear.

By Day 10

Police Officer
delivers report
and Notice to
Appear to
Juvenile
Caseworker.

By Day 25

Juvenile
Caseworker
decides
whether to
refer and, if
so, refers all
required
paperwork to
D.A.

By Day 40

D.A. decides
whether to
prosecute
and, if so, files
petition with
Clerk of Court.

By Day 50

Initial court
appearance is
held; juvenile
receives
summons,
petition and
report; plea is
entered; effort
is made to
resolve case
through
"Lawyer of the
Day" program.
If case is not
resolved,
juvenile is
given a "first
hearing date".

Protocol for York County Juvenile Court Pilot Project

Day One: Juvenile is Served a Notice to Appear

A. Upon a police officer's determination to refer a juvenile for prosecution to a juvenile caseworker, the police officer will serve a Notice to Appear upon the juvenile and the juvenile's parent, guardian or custodian.

B. If a parent, guardian or custodian is not immediately available, he or she will be notified by phone of the juvenile's court appearance date and will be asked to come by the Police Station to pick-up the Notice to Appear. If the parent, guardian or custodian is not served in-hand, the police officer will note on the Notice to Appear form the efforts made to serve the parent, guardian or custodian, and whether verbal notice of the initial appearance day and time was given.

C. The police officer will complete the Notice to Appear form, using the hearing date provided in accordance with the schedule prepared by the Juvenile Caseworker responsible for that police department.

D. The Notice to Appear will not be used in any case in which the juvenile is detained or already in custody at the time of apprehension.

By Day 10: Case is Referred to Juvenile Caseworker

A. By day 10 the police officer must *deliver* to the Juvenile Caseworker (1) a police report and (2) the original Notice to Appear.

By Day 25: Case is Referred to Assistant District Attorney

A. By day 25 the juvenile caseworker must decide whether to refer the case for prosecution. If so, the juvenile caseworker must *deliver* the (1) police report, (2) original Notice to Appear and (3) Summons to the Assistant District Attorney. If not, the juvenile caseworker must notify the juvenile and the juvenile's parent, guardian or custodian that they do not need to appear in Court in response to the Notice to Appear.

By Day 40: Petition is Filed with Court

A. By day 40 the Assistant District Attorney must file (1) a petition and (2) the original Notice to Appear with the Clerk of Court.

B. The Assistant District Attorney will make best efforts to act sooner than day 40 for those cases in which the hearing is less than 50 days from the date of the Notice to Appear.

By Day 50: Initial Court Appearance is Conducted

A. If the juvenile appears with a parent, guardian or custodian, the initial appearance is held and the juvenile is given copies of the (1) petition, (2) summons and (3) police report.

B. If the juvenile appears without a parent, guardian or custodian, the presiding Judge decides whether to conduct the initial appearance without a parent, guardian or custodian present. The Judge may decide to continue the initial appearance to a future date and direct the State to formally serve the summons upon the parent, guardian or custodian.

C. If the juvenile fails to appear, the State will be required to formally serve the summons upon the juvenile and upon the juvenile's parent, guardian or custodian. No warrant of arrest may issue for a failure to appear in response to a Notice to Appear.

JUVENILE COURT

[Juvenile's Name]

[Date of Birth]

[Street]

[Town/City]

[State and Zip]

[Juvenile's Parent, Guardian or Legal Custodian]

Notice to Appear at Juvenile Court Hearing

You are both hereby notified to appear before a Judge of the Maine District Court located at

_____ 25 Adams St., Biddeford, Maine (207-283-1147)

11 Chases Pond Rd., York, Maine (207-363-1230)

Butler St., Springvale, Maine (207-324-6737)

Date of Court Appearance: _____, 199____. Time: _____ a.m./p.m.

To answer to a juvenile petition for the juvenile offense(s) of:

alleged to have occurred on _____, 199____, at _____ a.m./p.m.

Your Constitutional Rights

To the above named juvenile: You have the constitutional right to remain silent; however, if you say anything after being informed of this right, what you say may be used against you in court. You have the constitutional right to consult a lawyer and if you cannot afford one, the court will appoint one.

Date: _____

Title: _____

Police Department

Acknowledgement

I acknowledge that I received a copy of this notice to appear on the date shown.

[Juvenile] [Date]

[Date]

[Parent, Guardian or Legal Custodian] [Date]

[Date]

1. Date received by Juvenile Caseworker from Police Department: _____

2. Date received by District Attorney from Juvenile Caseworker: _____

3. Date received by Clerk of Court from District Attorney: _____

Memorandum

To: Attorneys Practicing in the York County District Courts
From: Judge Jon D. Levy
Date: February 11, 1998
Re: Juvenile Court Scheduling

Effective February 1, 1998, we have implemented a new approach to scheduling juvenile cases in the three York County District Courts, as follows:

I. Initial Appearance

1. Initial Appearances will be scheduled to begin at 8:30 a.m. and will conclude by 12:00 p.m.

2. An Assistant D.A. will be present during the initial appearance so as to be available to address the Court on questions of sentence and conditions of release.

3. There will be a "Lawyer For The Day" present. All Juveniles will be advised of the opportunity to confer with her/him to attempt to resolve their case that day.

4. Juveniles will receive the "Important Notice" (attached), and copies of the petition and police reports. Juveniles will be told that they do not need to bring witnesses with them to their first hearing date.

II. First Hearing

1. First Hearings will be scheduled to begin at 8:30 a.m.

2. All cases not concluded on the initial appearance day will be scheduled for a mandatory First Hearing.

3. Following the calling of the list at the First Hearing, plea negotiation conferences will be conducted.

4. Cases resulting in an agreement will be presented for sentencing that day.

5. Cases which remain unresolved will be scheduled for a trial.

III. Trial

1. Trials will be scheduled for 1:00 p.m. on days when Initial Appearances are scheduled for 8:30 a.m.

2. All cases which are not resolved by a plea agreement, filing or dismissal at the First Hearing will be tried on the assigned trial date.

STATE OF MAINE
YORK, SS.

TENTH DISTRICT COURT
JUVENILE CASE

IMPORTANT NOTICE

Before you leave the Courthouse today, you should have copies of:

1. The Juvenile Summons and Petition; and
2. Any police reports.

If you did not receive these papers, please go to the District Attorney's office in the Courthouse and speak with the secretary.

The Next Step

You must return to this Courthouse on _____, 1999, at 8:30 a.m., with your lawyer, if you have one, to discuss your case with the District Attorney to try to settle your case without a trial. You do not need to bring witnesses with you on that day. If you do not settle your case, you will be given a trial date. You do need to bring your witnesses to your trial.

Important Warning

Warning: If you do not appear at Court when required, a warrant for your arrest may be issued by the Court.

Your Right to a Lawyer

You have the right to be represented by a lawyer. If you and your parent, guardian or custodian cannot afford to hire a lawyer, the Court may appoint a lawyer to represent you without charge. If you would like to apply for a court appointed lawyer, you should complete an application and return it to the Clerk's window before you leave the Courthouse today.

Additional Information

If you have any questions, please go to the Clerk's window before you leave the Courthouse. You can also call the Clerk's office between the hours of 8:00 a.m. and 4:00 p.m. at:

Biddeford District Court	283-1147
York District Court	363-1230
Springvale District Court	324-6737