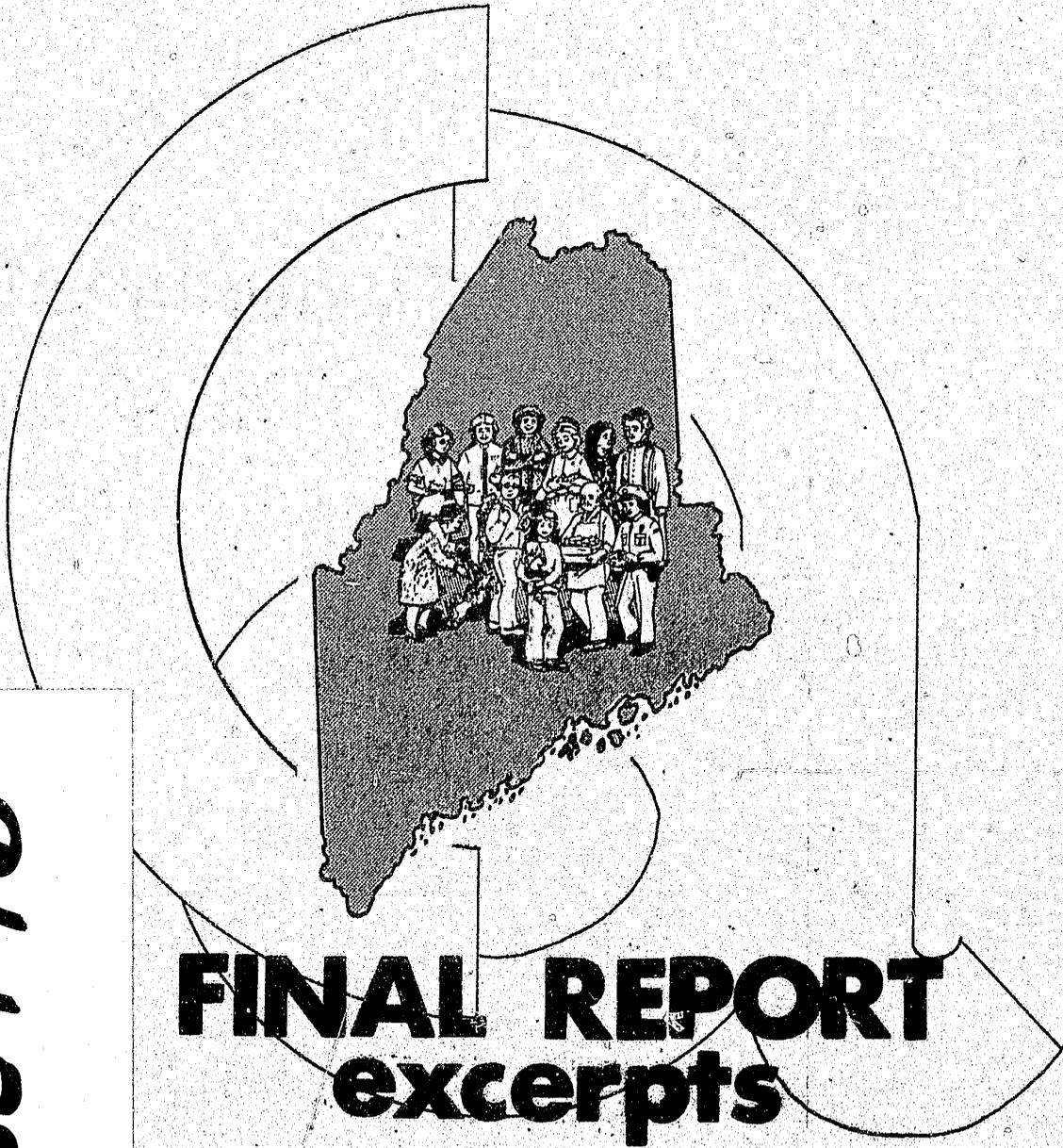


Dept. of Human Services

COMMUNITY ALLIANCE



FINAL REPORT excerpts

Criminal Justice Standards and Goals

58196

2/2

COMMUNITY ALLIANCE:

Improving the system



through responsive Citizen Involvement
in planning Standards & Goals for the
Criminal Justice System.

State Director

Bruce Carlson
MCJPAA
11 Parkwood Drive
Augusta, Maine 04330
Tel: 289-3361

TO: All departments and agencies dealing with
Criminal Justice Programs and Related Issues

FROM: Bruce C. Carlson, Director

SUBJECT: Maine's Criminal Justice Standards and Goals
Mini-Reports by functional area

Area I Director

Kit Lunney
Council of Governments
331 Veranda Street
Portland, Maine 04101
Tel: 774-9891

This report is a compilation of all recommended Standards
and Goals dealing with your specific area of service.

The major report is approximately 350 pages with 248
recommendations covering: Community Crime Prevention;
Youth Development; Police Services; the Court system;
and the Correctional program in Maine.

Area II Director

Yvonne English
North Kennebec Regional
Planning Commission
16 1/2 Benton Avenue
Winslow, Maine 04902
Tel: 873-2527

The preparation of this report began in 1976 with the
recruitment of over 1200 citizens and Criminal Justice
professionals, and extends to the present. During this
two and a half year period the membership:

Area III Director

Cal Brawn
Eastern Maine
Development District
10 Franklin Street
Bangor, Maine 04401
Tel: 942-5205

1. participated in seven conferences,
2. attended twenty-two public hearings,
3. participated in 80 full county meetings,
4. participated in 528 separate sub-committee meetings,
5. donated in excess of 80,000 man hours, and
6. traveled over 750,000 miles.

All of this was accomplished in the citizens' efforts
to study Maine's Criminal Justice system and formulate
recommendations to improve the system.

The State owes these citizens a great debt for their
determined efforts to serve.

These "mini-reports" have been prepared to better identify
these recommendations effecting your department or agency
and should be considered in conjunction with the full
report and the special "Summary Report" of Community
Alliance.

Very truly yours,

Bruce C. Carlson
Director

NCJRS

SEP 14 1978

ACQUISITIONS

CRIMINAL JUSTICE STANDARDS AND GOALS FOR MAINE

The Standards and Goals Report of the Community Alliance contains three hundred and fifty-five pages and covers two hundred and forty-eight separate recommendations for the complete Criminal Justice system of Maine.

The major report has been sub-divided into twenty-three mini-reports by functional area:

- A. Dept. of Mental Health & Corrections
- B. Dept. of Human Services
- C. Dept. of Education
- D. County Commissioners
- E. Local Governmental Units
- F. Maine Chamber of Commerce
- G. Office of Attorney General
- H. Chief's of Police Association
- I. Dept. of Public Safety
- J. State Insurance Board
- K. Council of Churches
- L. Maine Labor Organizations
- M. Dept. of Economic Development
- N. C/J Academy Board of Trustees
- O. Maine Prosecutor's Association
- P. Maine Bar Association
- Q. Maine Trial Lawyer's Association
- R. Sheriff's Association
- S. Maine Judiciary
- T. Judicial Council
- U. Maine Municipal Association
- V. Maine State Legislature
- W. Criminal Rules Committee

And this report condenses the recommendations pertaining to the

DEPARTMENT OF HUMAN SERVICES

The full report is available upon request to the Maine Criminal Justice Planning and Assistance Agency.

CRIMINAL JUSTICE - STANDARDS AND GOALS

1975 - 1978

The Standards and Goals Program started in December of 1975 with the hiring of a Project Director.

The original grant application became the foundation for a serious attempt to study, evaluate and recommend improvements in all functional areas of Maine's Criminal Justice system, using the citizen component as the basic unit for participation. The staff expanded in March of 1976 and the citizen-professional program structure was further extended and specifically developed so that membership recruitment could begin in April of 1976. During the months of April through September of 1976, a

massive public relations campaign and an individual person-to-person contact technique was applied resulting in some problems but many successes, for by September of 1976 Citizen Study Groups were organized covering all sixteen counties of the State. Nearly 900 individuals were recruited and during the fall months of 1976 an extensive educational program was presented to eleven separate Study Groups. By Christmas of 1976, all of the citizens and professionals had been exposed to a wide ranging picture of the existing Criminal Justice system in Maine with all of its strengths, weaknesses, costs and idiosyncrasies.

In January of 1977, the structure of the meetings changed from monthly, committee-of-the-whole sessions to twice a month sessions divided into four functional sub-committee areas of Police, Courts, Corrections and Youth Development (a total of 86 separate sub-committee meetings conducted monthly). The fifth and final section, Community Crime Prevention was completed in late '77 and early '78. For a period of six-seven months these groups met endlessly in a series of in-depth discussions and studies of every possible facet of Criminal Justice, the State Comprehensive Plan, all past Criminal Justice studies of every type and distinction, all of the National Advisory Commission standards, the American Bar Association standards and other recommendations that evolved from constant exposure and exploration.

The summer of 1977 was a staff effort with guidance on writing from citizen sub-committee members who met several times to review the work and settle controversial items on which the staff could not find any consensus.

A preliminary Report was distributed in September to all members, Advisory Boards in each functional area and to agencies, departments, legislators, etc., for a final fall (1977) review.

A series of monthly meetings were held statewide, Sept-Dec. for a thorough review and final draft preparation. In addition to this, 22 public hearings were advertised and conducted statewide in October of 1977.

A Final Draft Copy was restructured for the membership to address in a three day statewide Convention held at the State Capitol in town meeting style for final discussion and approval. Approximately 250 recommendations (Standards and Goals) were finally adopted by the Community Alliance. At the State Convention the group decided to form a non-profit corporation under Maine law to ensure the proper implementation of their goals and improvements upon which they voted.

Youth Development Section of Report

STANDARD 1.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT AFTER THE JUVENILE'S NAME, AGE, AND RESIDENCE IS OBTAINED BY THE OFFICER, AND THE PARENT, GUARDIAN, OR CUSTODIAN AND THE INTAKE WORKER ARE NOTIFIED, THE OFFICER SHOULD TAKE THE JUVENILE DIRECTLY TO THE INTAKE WORKER OR TO THE SHELTER PLACEMENT OR DETENTION PLACEMENT OR AGENT OF THE DEPARTMENT OF HUMAN SERVICES DESIGNATED BY THE INTAKE WORKER WITHOUT UNNECESSARY DELAY.

STANDARD 3.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT GROUP HOMES BE AVAILABLE UNDER THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS AND THE DEPARTMENT OF HUMAN SERVICES FOR DIFFERENT TYPES OF CHILDREN. ADDITIONALLY, SPECIALIZED FACILITIES SHOULD BE MAINTAINED FOR JUVENILES WITH SEVERE EMOTIONAL PROBLEMS. THIS INCLUDES THE ESTABLISHMENT OF A SECURE PSYCHIATRIC HOSPITAL UNIT FOR APPROPRIATE ADJUDICATED AND NON-ADJUDICATED MENTALLY ILL JUVENILES.

STANDARD 3.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVALUATIONS OF INDIVIDUALS, AGENCIES AND INSTITUTIONS WHICH DEAL WITH JUVENILES BE DONE REGULARLY AND ON AN ON-GOING BASIS. THIS SHOULD BE ON A COST AND EFFECTIVENESS BASIS USING A COMMON SENSE APPROACH TO PRODUCTIVITY AND PROPER EXPENDITURE OF FUNDS. FLEXIBILITY FROM AREA TO AREA (RURAL vs. METROPOLITAN) MUST BE CONSIDERED.

STANDARD 3.13: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS, HUMAN SERVICES, EDUCATIONAL AND CULTURAL SERVICES, AND THE MAINE CRIMINAL JUSTICE PLANNING AND ASSISTANCE AGENCY COOPERATE AND COORDINATE THE PLANNING AND DEVELOPMENT OF RESIDENTIAL FACILITIES WHICH WILL PROVIDE A CONTINUUM OF TREATMENT. SPECIFICALLY, THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEVELOPMENT OF FACILITIES WHICH WILL SUBSTITUTE FOR, RATHER THAN SUPPLEMENT, COMMITMENT TO THE OVERCROWDED MAINE YOUTH CENTER BE DESIGNATED AS A HIGH PRIORITY.

STANDARD 3.15: THE COMMUNITY ALLIANCE RECOMMENDS THAT SINCE THE DEPARTMENT OF HUMAN SERVICES PAYS ONLY 80% OF "SOME" UNIT COSTS, THE LEGISLATURE PROVIDE BLOCK FUNDING FOR RESIDENTIAL CARE FACILITIES.

Corrections Section of Report

STANDARD 2.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT LEGISLATION MAKE MANDATORY THE PROVISION OF SERVICES TO THE CORRECTIONAL CLIENT FROM THE DEPARTMENTS OF HUMAN SERVICES AND EDUCATION AND THE BUREAUS OF MENTAL HEALTH AND RETARDATION.

COMMUNITY CRIME PREVENTION

STANDARDS and GOALS

Chapter I

STANDARD 1.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT "RIGHT-TO-KNOW LAWS" BE STRENGTHENED AND ENFORCED IN ALL AREAS OF GOVERNMENT.

STANDARD 1.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THERE BE SPECIFIC POLICIES ON THE DISTRIBUTION OF INFORMATION TO THE GENERAL PUBLIC.

STANDARD 1.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT PUBLIC HEARINGS BE CONDUCTED TO GIVE MAXIMUM EXPOSURE TO ALL GOVERNMENTAL PROGRAMS AND ACTIVITIES.

STANDARD 1.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL JURISDICTIONS TAKE POSITIVE STEPS TO PUBLICIZE PENDING ACTIONS AND ACTIONS TAKEN IN THE ZONING, LICENSING, AND TAX ASSESSMENT AREAS.

Chapter II

STANDARD 2.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT ECONOMIC POLICY CONCENTRATE ON MAINTAINING AGGREGATE EMPLOYMENT AT A HIGH LEVEL. FURTHER, STATE AND LOCAL GOVERNMENTS SHOULD STRUCTURE THEIR EXPENDITURES AND TAXES TO HAVE THE GREATEST IMPACT ON EMPLOYMENT, INCOME AND CREDIT AVAILABILITY IN HIGH POVERTY AREAS.

STANDARD 2.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT EMPLOYERS AND UNIONS INSTITUTE AND ACCELERATE EFFORTS TO EXPAND JOB OR MEMBERSHIP OPPORTUNITIES TO ECONOMICALLY AND EDUCATIONALLY DISADVANTAGED YOUTH.

STANDARD 2.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT EACH COMMUNITY OR AGENCY BROADEN ITS AFTER-SCHOOL AND SUMMER EMPLOYMENT PROGRAMS FOR YOUTH, INCLUDING THE 14- AND 15-YEAR OLDS WHO MAY HAVE BEEN EXCLUDED FROM SUCH PROGRAMS IN THE PAST.

STANDARD 2.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT COMMUNITY-BASED PRE-TRIAL INTERVENTION PROGRAMS OFFERING MANPOWER AND RELATED SUPPORTIVE SERVICES BE ESTABLISHED IN ALL COURT JURISDICTIONS.

STANDARD 2.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT EMPLOYERS INSTITUTE OR ACCELERATE EFFORTS TO EXPAND JOB OPPORTUNITIES TO OFFENDERS AND EX-OFFENDERS.

STANDARD 2.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT PUBLIC EMPLOYMENT PROGRAMS BE CREATED TO PROVIDE MORE REWARDING AND PROMISING JOBS FOR EX-OFFENDERS AND OTHERS TRADITIONALLY SHUT OUT OF THE JOB MARKET.

STANDARD 2.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT GOVERNMENT PROCUREMENT OFFICERS, CONTRACTORS, AND UNIONS BE REQUIRED TO COMPLY FULLY WITH THE ANTI-DISCRIMINATION AND AFFIRMATIVE ACTION REQUIREMENTS OF EQUAL JOB OPPORTUNITY MANDATES, SO THAT MINORITY WORKERS CAN BE EQUITABLY REPRESENTED IN ALL JOB CATEGORIES OF A PARTICULAR INDUSTRY.

Chapter III

STANDARD 3.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT SCHOOLS DEVELOP PROGRAMS THAT ASSIST CAREER PREPARATION FOR EVERY STUDENT IN EITHER AN ENTRY LEVEL JOB OR AN ADVANCED PROGRAM OF STUDIES, REGARDLESS OF THE TIME HE LEAVES THE FORMAL SCHOOL SETTING.

STANDARD 3.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE SCHOOLS PROVIDE PROGRAMS FOR SUPPORTIVE SERVICES---HEALTH, COUNSELING, AND GUIDANCE---TO FACILITATE THE POSITIVE GROWTH AND DEVELOPMENT OF STUDENTS.

STANDARD 3.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT SCHOOLS PROVIDE ALTERNATIVE PROGRAMS OF EDUCATION.

STANDARD 3.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT SCHOOL FACILITIES BE MADE AVAILABLE TO THE ENTIRE COMMUNITY AS CENTERS FOR HUMAN RESOURCE AND ADULT EDUCATION PROGRAMS.

Chapter IV

STANDARD 4.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT RECREATION BE RECOGNIZED AS AN INTEGRAL PART OF AN INTERVENTION STRATEGY AIMED AT PREVENTING DELINQUENCY. IT SHOULD NOT BE RELEGATED TO A PERIPHERAL ROLE.

STANDARD 4.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT CONSIDERATION BE GIVEN TO A REGIONALIZED OR MULTI-TOWN APPROACH TO RECREATIONAL PROGRAMS THAT MIGHT BE TOO LARGE OR COSTLY TO IMPLEMENT IN A SINGLE COMMUNITY. THE POSSIBILITY OF FUNDING PRIVATE ORGANIZATIONS TO ENABLE THEM TO UNDERTAKE OR EXPAND RECREATIONAL PROGRAMS SHOULD ALSO BE EXPLORED.

Chapter V

STANDARD 5.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT RELIGIOUS COMMUNITIES WORK CLOSELY WITH ALL ASPECTS OF THE CRIMINAL JUSTICE SYSTEM.

Chapter VI

STANDARD 6.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THERE BE A SINGLE STATEWIDE CODE OF ETHICS IN THE STATE OF MAINE COVERING ELECTED AND APPOINTED OFFICIALS AS WELL AS EMPLOYEES AT ALL LEVELS OF GOVERNMENT.

STANDARD 6.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT MAINE ADOPT STRONG AND ENFORCEABLE LEGISLATION REQUIRING FULL AND COMPLETE DISCLOSURE OF STATE AND COUNTY PUBLIC OFFICIALS AND CANDIDATES ASPIRING FOR THESE OFFICES IN ORDER TO ELIMINATE THE POSSIBILITY OF CONFLICT OF INTEREST.

STANDARD 6.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT STATES DEFINE AS VIOLATIONS OF THEIR CRIMINAL CODES CERTAIN SITUATIONS INVOLVING CONFLICTS OF INTEREST, AND SHOULD ASSIGN MEANINGFUL PENALTIES WHEN SUCH VIOLATIONS CONSTITUTE A SERIOUS AND SUBSTANTIAL ABUSE OF PUBLIC OFFICE.

STANDARD 6.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL SIGNIFICANT RECEIPTS AND EXPENDITURES BY EVERY STATE AND COUNTY CANDIDATE AND ALL ORGANIZATIONS SEEKING TO INFLUENCE ANY STATE-WIDE ELECTION SHOULD BE DISCLOSED PERIODICALLY BEFORE AND AFTER ELECTIONS AND BETWEEN ELECTIONS IN A MANNER THAT INSURES TRANSMISSION OF THESE DISCLOSURES TO THE PUBLIC.

STANDARD 6.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT WITH DUE REGARD FOR CONSTITUTIONAL RIGHTS, SELECTIVE LIMITATIONS BE IMPOSED ON THE SUMS THAT CAN BE SPENT TO ADVANCE THE CANDIDACY OF ANY ASPIRANT FOR OFFICE AND TO CONDUCT THE AFFAIRS OF ANY POLITICAL PARTY OR OTHER ORGANIZATION THAT AIDS CANDIDATES OR OTHERWISE PARTICIPATES IN ELECTION CAMPAIGNS.

STANDARD 6.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT STATE LAWS BE ENACTED TO LIMIT AND REGULATE CONFLICTS OF INTEREST IN CAMPAIGN FINANCING.

STANDARD 6.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT STATE LAWS BE ENACTED TO CONTROL CORPORATE AND LABOR CONTRIBUTIONS TO CAMPAIGN FINANCING.

Chapter VII

STANDARD 7.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STATE ENACT LEGISLATION TO REDUCE THE OPPORTUNITY OF AUTO-THEFT.

STANDARD 7.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY LAW ENFORCEMENT AGENCY ACTIVELY WORK WITH AND INFORM INTERESTED CITIZENS OF MEASURES THAT CAN BE TAKEN TO PROTECT THEMSELVES, THEIR FAMILIES, AND THEIR PROPERTY.

STANDARD 7.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT UNITS OF LOCAL GOVERNMENT CONSIDER THE ESTABLISHMENT OF IMPROVED STREET LIGHTING PROGRAMS IN HIGH CRIME AREAS. THE NEEDS AND WISHES OF THE COMMUNITY SHOULD BE A DETERMINING FACTOR FROM THE OUTSET AND PUBLIC OFFICIALS SHOULD CAREFULLY EVALUATE THE EXPERIENCE OF OTHER JURISDICTIONS BEFORE INITIATING THEIR OWN PROGRAMS.

STANDARD 7.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT WHERE APPLICABLE, COMMUNITIES REGULATE THE CONSTRUCTION OF LARGE-SCALE HOUSING DEVELOPMENTS THROUGH BUILDING AND ZONING CODES TO MAKE THEM CRIME-RESISTANT. LAYOUTS SUCH AS THE "CLUSTER DEVELOPMENT" SHOULD BE ENCOURAGED.

STANDARD 7.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT INSURANCE COMPANIES REDUCE THEFT INSURANCE PREMIUMS WHEN COMMERCIAL AND RESIDENTIAL STRUCTURES COMPLY WITH APPROVED SECURITY STANDARDS.

STANDARD 7.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL RETAIL ESTABLISHMENTS TAKE IMMEDIATE AND EFFECTIVE MEASURES TO PREVENT SHOPLIFTING AND THAT PENALTIES BE INCREASED TO INCLUDE LIMITED SENTENCING AND/OR MAXIMUM FINES.

STANDARD 7.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STATE FUND AND SUPERVISE PROGRAMS TO MONITOR, CONTROL AND FUND DRUG ENFORCEMENT PROGRAMS, AND DRUG TREATMENT PROGRAMS.

STANDARD 7.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL HANDGUN SALES BE PRECEDED BY A WAITING PERIOD TO ALLOW FOR BACKGROUND CHECKS OF APPLICANTS.

STANDARD 7.9: THE COMMUNITY ALLIANCE RECOMMENDS ON-GOING STATEWIDE CAPABILITY FOR INVESTIGATION AND PROSECUTION OF PUBLIC CORRUPTION AND ORGANIZED CRIME BE ESTABLISHED IN MAINE.

STANDARD 7.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT A SPECIAL STUDY ON "WHITE COLLAR CRIME" IN MAINE BE UNDERTAKEN BY A SPECIFICALLY APPOINTED TASK FORCE.

STANDARD 7.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT AN EMERGENCY TELEPHONE NUMBER SYSTEM COMPARABLE TO THE 911 SYSTEM BE IMPLEMENTED STATEWIDE.

Chapter VIII

STANDARD 8.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT COMMUNITY CRIME PREVENTION UNITS MAY BE ESTABLISHED IN ALL COMMUNITIES SINCE SMALLER COMMUNITIES DO NOT HAVE THE RESOURCES OR CONTINUING NEED FOR SUCH SPECIALIZED SERVICES. THE MAINE CHIEF'S OF POLICE ASSOCIATION OR THE DEPARTMENT OF PUBLIC SAFETY SHOULD ESTABLISH A CRIME PREVENTION CAPABILITY WHICH COULD PROVIDE TECHNICAL ASSISTANCE TO SMALL COMMUNITIES ON AN "AS-NEEDED" BASIS.

STANDARD 8.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY LAW ENFORCEMENT AGENCY ASSIST ACTIVELY IN THE ESTABLISHMENT OF VOLUNTEER NEIGHBORHOOD SECURITY PROGRAMS THAT INVOLVE THE PUBLIC IN NEIGHBORHOOD CRIME PREVENTION AND REDUCTION.

STANDARD 8.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT CRIME PREVENTION UNITS BE INCLUDED IN DISCUSSIONS WITH CITY GOVERNMENTS, CITY PLANNERS, ZONING BOARDS, AND OTHER MUNICIPAL AUTHORITIES IN PLANNING, IMPLEMENTING, AND EVALUATING ALL COMMUNITY CRIME PREVENTION PROGRAMS.

STANDARD 8.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT STATE LAW BE EXPANDED TO DEVELOP APPROVED, STANDARDIZED FORMS AND RECORD-KEEPING PROCEDURES FOR PAWN SHOPS, AUCTIONEERS, SECOND-HAND AND JUNK DEALERS, AND THAT THESE RECORDS BE MADE AVAILABLE TO LAW ENFORCEMENT PERSONNEL FOR INSPECTION UPON REQUEST.

STANDARD 8.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STATE OF MAINE EXAMINE THE FEASIBILITY OF A LAW HOLDING INDIVIDUALS CRIMINALLY LIABLE FOR TRAFFICKING IN PRODUCTS WHOSE SERIAL NUMBERS OR IDENTIFICATION MARKS HAVE BEEN KNOWINGLY ALTERED OR REMOVED.

STANDARD 8.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT COMMUNITIES BE ENCOURAGED TO ESTABLISH LAWS AND ORDINANCES TO CONTROL VANDALISM. A SIGNIFICANT STEP TOWARD MAKING BUILDINGS LESS VULNERABLE TO ACTS OF VANDALISM WOULD BE THE ADOPTION OF A BUILDING SECURITY CODE PATTERNED AFTER THE LIFE SAFETY CODE OF THE NATIONAL FIRE PROTECTION ASSOCIATION. BUILDING AND SECURITY CODES THAT CONTROL VACANT AND DILAPIDATED STRUCTURES AND INADEQUATE OR SUBSTANDARD HOUSING SHOULD BE ADOPTED AND ENFORCED.

STANDARD 8.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE MAINE LEGISLATURE GIVE CONSIDERATION TO LAWS THAT HOLD PARENTS AND GUARDIANS RESPONSIBLE FOR THE VANDALISM PERPETRATED BY THEIR CHILDREN. THE LAW SHOULD REQUIRE RESTITUTION WITHIN THE MEANS OF THE CHILDREN AND PARENTS. RESTITUTION IN THE FORM OF REASONABLE WORK REQUIREMENTS AS WELL AS FINANCIAL REIMBURSEMENT TO THE VICTIMS SHOULD BE RECOGNIZED AS A LEGITIMATE ALTERNATIVE. IN THOSE CASES NOT ADEQUATELY REMEDIED BY RESTITUTION, COURTS SHOULD MAKE THE NAME AND ADDRESS OF THE DEFENDANT AVAILABLE.

YOUTH DEVELOPMENT
STANDARDS and GOALS

Chapter I

STANDARD 1.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE AGENCIES DEVELOP WRITTEN POLICIES CONCERNING THE PROCEDURES AND DISCRETIONARY POWERS OF POLICE OFFICERS IN DIVERTING JUVENILES.

STANDARD 1.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE ATTORNEY GENERAL PROMULGATE WRITTEN REGULATIONS TO GUIDE LAW ENFORCEMENT AGENCIES IN MAKING DECISIONS TO ARREST AND REFER TO THE INTAKE UNIT A JUVENILE ALLEGED TO HAVE COMMITTED AN ACT WHICH WOULD BE A CRIME OR MAJOR TRAFFIC OFFENSE IF COMMITTED BY AN ADULT. IN DETERMINING WHETHER ARREST AND REFERRAL WOULD BEST SERVE THE INTERESTS OF THE COMMUNITY AND THE JUVENILE, LAW ENFORCEMENT OFFICERS SHOULD CONSIDER WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THE JUVENILE IS SUBJECT TO THE JURISDICTION OF THE DISTRICT COURT OVER DELINQUENCY, AND:

- A. WHETHER A COMPLAINT HAS ALREADY BEEN FILED;
- B. THE SERIOUSNESS OF THE ALLEGED OFFENSE;
- C. THE ROLE OF THE JUVENILE IN THAT OFFENSE;
- D. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY AND THE DISTRICT COURT WHICH THE JUVENILE HAS HAD, AND THE RESULTS OF THOSE CONTACTS;
- E. THE JUVENILE'S AGE AND MATURITY; AND
- F. THE AVAILABILITY OF APPROPRIATE PERSONS OR SERVICES OUTSIDE THE JUVENILE JUSTICE SYSTEM WILLING AND ABLE TO PROVIDE CARE, SUPERVISION, AND ASSISTANCE TO THE JUVENILE.

A JUVENILE SHOULD NOT BE ARRESTED AND REFERRED TO THE INTAKE UNIT SOLELY BECAUSE HE OR SHE DENIES THE ALLEGATIONS OR BECAUSE THE COMPLAINANT OR VICTIM INSISTS.

STANDARD 1.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE EXECUTIVE OF EACH POLICE AGENCY ESTABLISH WRITTEN POLICY ON POLICE RELATIONSHIPS WITH ALL PHASES OF JUVENILE JUSTICE.

STANDARD 1.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT AFTER THE JUVENILE'S NAME, AGE, AND RESIDENCE IS OBTAINED BY THE OFFICER, AND THE PARENT, GUARDIAN, OR CUSTODIAN AND THE INTAKE WORKER ARE NOTIFIED, THE OFFICER SHOULD TAKE THE JUVENILE DIRECTLY TO THE INTAKE WORKER OR TO THE SHELTER PLACEMENT OR DETENTION PLACEMENT OR AGENT OF THE DEPARTMENT OF HUMAN SERVICES DESIGNATED BY THE INTAKE WORKER WITHOUT UNNECESSARY DELAY.

STANDARD 1.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT PROGRAMS BE ESTABLISHED TO EVALUATE "ALL" JUVENILE OFFENDERS WHO ARE REFERRED TO THE INTAKE WORKER. THE INTAKE PERSONNEL SHOULD HAVE THE AUTHORITY TO:

- A. SEND AN OFFENDER THROUGH THE CRIMINAL JUSTICE SYSTEM;
- B. DIVERT AN OFFENDER INTO A COMMUNITY-BASED ALTERNATIVE TO INCARCERATION;
- C. DISMISS A COMPLAINT WITH REASON.

STANDARD 1.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT EACH MUNICIPAL POLICE AND SHERIFF'S DEPARTMENT PROVIDE AT LEAST ONE JUVENILE OFFICER PER COMMUNITY.

STANDARD 1.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT A SUFFICIENT NUMBER OF TRAINED JUVENILE OFFICERS BE PROVIDED IN EACH AREA AS A SUPPLEMENT TO THE COURT INTAKE UNIT.

STANDARD 1.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT ANY JUVENILE HAVING ALLEGEDLY COMMITTED A CLASS A, B, OR C OFFENSE AND PLACED UNDER ARREST WILL BE BROUGHT TO THE ATTENTION OF THE INTAKE WORKER/JUVENILE OFFICER AND IT WILL BE HIS/HER RESPONSIBILITY TO MAKE THE APPROPRIATE DETENTION DECISION.

STANDARD 1.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT A JUVENILE AND AN ADULT OFFENDER MAY BE TRANSPORTED TOGETHER IN THE SAME VEHICLE AS LONG AS THERE ARE TWO OFFICERS ASSIGNED.

STANDARD 1.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT "ADULT CITIZEN CONFERENCE COMMITTEES" SHALL BE ESTABLISHED IN EVERY COURT JURISDICTION TO WORK DIRECTLY WITH INTAKE PERSONNEL.

Chapter II

STANDARD 2.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENTS OF MENTAL HEALTH AND CORRECTIONS MAKE A SOCIAL AND EDUCATIONAL STUDY AND PREPARE A WRITTEN REPORT ON EVERY JUVENILE ADJUDICATED AS HAVING COMMITTED A JUVENILE CRIME AND SHALL PRESENT THAT REPORT TO THE JUVENILE COURT PRIOR TO THAT JUVENILE'S DISPOSITIONAL HEARING. THE PERSON WHO PREPARES THE REPORT MAY BE ORDERED TO APPEAR. THE PARENT, CUSTODIAN OR GUARDIAN MUST BE INFORMED THAT THESE RECORDS ARE BEING GATHERED.

STANDARD 2.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT A PETITION SHALL BE DISMISSED WITH PREJUDICE IF IT WAS NOT FILED WITHIN SIX MONTHS FROM THE DATE THE JUVENILE WAS REFERRED TO THE INTAKE WORKER. HOWEVER, ANY INTERVENTION PERIOD FOR DIVERSION, WORK-SUPERVISED RESTITUTION, ETC. WILL NOT BE CONSIDERED PART OF THE SIX MONTHS.

STANDARD 2.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT A JUVENILE BE PROVIDED WITH AN ATTORNEY PRIOR TO ANY APPEARANCE BEFORE A JUDGE, AND A JUVENILE MUST BE GIVEN THE OPPORTUNITY TO BE REPRESENTED WHENEVER HE OR SHE APPEARS BEFORE A JUDGE.

STANDARD 2.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE MAXIMUM TERM OF COMMITMENT TO THE MAINE YOUTH CENTER AND AFTERCARE BE ONE YEAR FOR D & E OFFENSES AND THREE YEARS FOR A, B, AND C OFFENSES.

STANDARD 2.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT RESTITUTION BE GIVEN PRIORITY CONSIDERATION BY THE JUDICIARY WHEN DEALING WITH JUVENILES, WHETHER INCARCERATED OR PLACED ON PROBATION.

STANDARD 2.6: THE COMMUNITY ALLIANCE RECOMMENDS THE DEVELOPMENT OF A COMMUNITY BASED RESTITUTION PROGRAM TO AID THE COURT IN DEVELOPING WORK SITES AND TO PROVIDE CITIZEN VOLUNTEERS TO ACT AS SUPERVISORS. COUNSELING SHOULD BE AN IMPORTANT PART OF THIS PROGRAM.

STANDARD 2.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT IN EACH LOCAL PROSECUTOR'S OFFICE IN WHICH THERE ARE AT LEAST SIX ATTORNEYS, THERE SHOULD BE A SPECIALIZED DIVISION OR ATTORNEY DEVOTED TO REPRESENTING THE STATE AT JUVENILE HEARINGS IN DISTRICT COURT.

STANDARD 2.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT THERE BE A SPECIFIC, NON-VARYING TIME WITHIN THE DISTRICT COURT SCHEDULE DESIGNATED FOR JUVENILE COURT.

STANDARD 2.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT APPEALS OF JUVENILE PROCEEDINGS HAVE THE SAME BASIS AS FOR ADULTS. THEY SHOULD NOT BE SUBJECT TO PARENTAL CONSENT.

Chapter III

STANDARD 3.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT NO NEW JUVENILE CENTERS BE BUILT UNTIL A COMPLETE EVALUATION OF JUVENILE JUSTICE NEEDS CAN BE ACCOMPLISHED.

STANDARD 3.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE NATURE AND SERIOUSNESS OF SOME JUVENILE OFFENSES INDICATE THAT THE PROTECTION OF THE COMMUNITY REQUIRES DETENTION IN A MAXIMUM SECURITY FACILITY FOR JUVENILES.

STANDARD 3.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT GROUP HOMES BE AVAILABLE UNDER THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS AND THE DEPARTMENT OF HUMAN SERVICES FOR DIFFERENT TYPES OF CHILDREN. ADDITIONALLY, SPECIALIZED FACILITIES SHOULD BE MAINTAINED FOR JUVENILES WITH SEVERE EMOTIONAL PROBLEMS. THIS INCLUDES THE ESTABLISHMENT OF A SECURE PSYCHIATRIC HOSPITAL UNIT FOR APPROPRIATE ADJUDICATED AND NON-ADJUDICATED MENTALLY ILL JUVENILES.

STANDARD 3.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STATE AGENCY DEVELOP AND IMPLEMENT GRIEVANCE PROCEDURES TO PROVIDE A MEANS FOR JUVENILES TO CHALLENGE THE SUBSTANCE OR APPLICATION OF ANY POLICY, BEHAVIOR, OR ACTION DIRECTED TOWARD THE JUVENILE BY THE STATE AGENCY OR ANY OF ITS PROGRAM UNITS.

STANDARD 3.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE RIGHTS OF A COMMITTED JUVENILE, IN AN INSTITUTION INCLUDE THE FOLLOWING:

- A. THE RIGHT TO AN IMPARTIAL AND OBJECTIVE FACTFINDING HEARING WHEN ACCUSED OF A MAJOR RULE VIOLATION THAT MIGHT RESULT IN A DEPRIVATION GREATER THAN 24 HOURS RESTRICTION TO SECURE QUARTERS (ISOLATION UNIT);
- B. THE RIGHT TO A WRITTEN NOTICE OF THE ALLEGATIONS AGAINST HIM OR HER AND THE EVIDENCE UPON WHICH THE ALLEGATIONS ARE BASED 48 HOURS IN ADVANCE OF THE FACTFINDING HEARING;
- C. THE RIGHT TO REQUEST A SUBSTITUTE COUNSEL TO REPRESENT HIM OR HER DURING THE DISCIPLINARY PROCEEDINGS. A SUBSTITUTE COUNSEL MAY BE A STAFF MEMBER, ANOTHER JUVENILE (SUBJECT TO THE REASONABLE APPROVAL OF THE PROGRAM DIRECTOR), OR A VOLUNTEER WHO IS A MEMBER OF A REGULAR VOLUNTEER PROGRAM AT THE INSTITUTION. FACTFINDERS SHOULD INSURE THAT JUVENILES WHO DO NOT COMPREHEND THE PROCEEDINGS DUE TO A LACK OF MATURITY OR INTELLECTUAL ABILITY OR BECAUSE OF THE COMPLEXITY OF THE FACTUAL QUESTIONS AT ISSUE ARE PROVIDED WITH A SUBSTITUTE COUNSEL. TRANSLATORS SHOULD BE PROVIDED WHEN THE JUVENILE DOES NOT SPEAK ENGLISH.
- D. THE RIGHT TO CONFRONT ACCUSERS, CALL WITNESSES, AND PRESENT WRITTEN DOCUMENTS AND OTHER EVIDENCE AT THE FACTFINDING HEARINGS; AND
- E. THE RIGHT TO RECEIVE A WRITTEN RECORD OF ANY TRUE FINDINGS AND THE EVIDENCE RELIED UPON. THIS SHOULD INCLUDE A STATEMENT OF THE DISPOSITION.

STANDARD 3.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT A JUVENILE ADVOCATE PROGRAM (OMBUDSMAN) BE ESTABLISHED TO REPRESENT THE INTERESTS AND VIEWS OF JUVENILES.

STANDARD 3.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVALUATIONS OF INDIVIDUALS, AGENCIES AND INSTITUTIONS WHICH DEAL WITH JUVENILES BE DONE REGULARLY AND ON AN ON-GOING BASIS. THIS SHOULD BE ON A COST AND EFFECTIVENESS BASIS, USING A COMMON SENSE APPROACH TO PRODUCTIVITY AND PROPER EXPENDITURE OF FUNDS. FLEXIBILITY FROM AREA TO AREA (RURAL vs. METROPOLITAN) MUST BE CONSIDERED.

STANDARD 3.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT A COORDINATING UNIT BE ESTABLISHED TO CONTROL THE FUND MATCHING TO SEE THAT NEED'D SERVICES ARE MADE AVAILABLE TO THE COMMUNITIES AND TO MAKE CERTAIN THERE IS NO UNNECESSARY DUPLICATION.

STANDARD 3.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT LOCAL MONIES MUST BE MADE AVAILABLE FOR MATCHING FEDERAL AND STATE FUNDS, IF COMMUNITIES WISH, TO INITIATE AND MAINTAIN ON-GOING PROGRAMS. THE MATCHING RATIOS SHOULD BE DETERMINED BY STATE STATUTE.

STANDARD 3.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT PROBATION BE FOR A SPECIFIC TERM; PROBATION FOR D & E OFFENSES SHOULD BE NO MORE THAN ONE YEAR.

STANDARD 3.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT SINCE THE REVISED JUVENILE CODE ALLOWS A JUVENILE TO BE SENTENCED TO A COUNTY JAIL FOR A PERIOD OF DETENTION NOT TO EXCEED 30 DAYS, PROGRAMS FOR JUVENILES SENTENCED TO COUNTY JAILS SHOULD BE DEVELOPED. THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS SHOULD ALSO PROMULGATE AND ENFORCE STANDARDS FOR SUCH PROGRAMMING CONGRUENT WITH ITS ROLE OF "DESIGNATING COUNTY JAILS...AS A PLACE FOR THE SECURE DETENTION OF JUVENILES."

STANDARD 3.12: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS MONITOR AND EVALUATE THE PROGRAMS AND AGENCIES UNDER ITS AEGIS BUT SHOULD, ITSELF, BE EVALUATED FIRST AND FOREMOST.

STANDARD 3.13: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS, HUMAN SERVICES, EDUCATIONAL AND CULTURAL SERVICES, AND THE MAINE CRIMINAL JUSTICE PLANNING AND ASSISTANCE AGENCY COOPERATE AND COORDINATE THE PLANNING AND DEVELOPMENT OF RESIDENTIAL FACILITIES WHICH WILL PROVIDE A CONTINUUM OF TREATMENT. SPECIFICALLY, THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEVELOPMENT OF FACILITIES WHICH WILL SUBSTITUTE FOR, RATHER THAN SUPPLEMENT, COMMITMENT TO THE OVERCROWDED MAINE YOUTH CENTER BE DESIGNATED AS A HIGH PRIORITY.

STANDARD 3.14: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PURPOSES/FUNCTIONS OF THE MAINE YOUTH CENTER BE REVIEWED/RESTATED, INCLUDING CONSIDERATION OF THE APPROPRIATENESS OF DIAGNOSTIC EVALUATION AND HOLDING FOR COURT FUNCTIONS. THE ABILITY TO DIVERT COMMITTED JUVENILES TO COMMUNITY-BASED ALTERNATIVES, AND THE RELATIONSHIP OF THE MYC TO THE JUVENILE SERVICES AND REGIONALIZED DETENTION SYSTEMS.

STANDARD 3.15: THE COMMUNITY ALLIANCE RECOMMENDS THAT SINCE THE DEPARTMENT OF HUMAN SERVICES PAYS ONLY 80% OF "SOME" UNIT COSTS, THE LEGISLATURE PROVIDE BLOCK FUNDING FOR RESIDENTIAL CARE FACILITIES.

Chapter IV

STANDARD 4.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY JUVENILE OFFENDER BE CONSIDERED FOR DIVERSION.

STANDARD 4.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE INTAKE WORKER PROGRAM KEEP THE JUVENILE COURTS APPRISED OF PROGRAMS AND AGENCIES SUITABLE FOR AIDING JUVENILES.

STANDARD 4.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT EACH JUVENILE HAVE AN OPPORTUNITY TO DISPUTE ALLEGATIONS MADE AGAINST HIM OR HER BEFORE BEING ENROLLED IN A DIVERSIONARY PROGRAM (PRE-ADJUDICATORY).

STANDARD 4.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE AND PROSECUTORS, IN CONJUNCTION WITH THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS, PROVIDE DIRECTION FOR CRIMINAL JUSTICE SYSTEM DIVERSION PROGRAMS. YOUTH SERVICE BUREAUS SHOULD PROVIDE DIVERSIONARY AND SOCIAL SERVICES FROM THE "NON-LAW ENFORCEMENT" SECTOR.

STANDARD 4.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE OFFICERS DIVERT TO ALTERNATIVE COMMUNITY-BASED PROGRAMS OUTSIDE THE SYSTEM THOSE JUVENILES FOR WHOM THE PURPOSES OF THE JUVENILE JUSTICE SYSTEM WOULD BE INAPPROPRIATE.

STANDARD 4.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STATE OF MAINE ENACT NECESSARY LEGISLATION TO FUND PARTIALLY AND TO ENCOURAGE LOCAL OR COUNTY ESTABLISHMENT OF YOUTH SERVICE BUREAUS THROUGHOUT THE STATE.

STANDARD 4.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT YOUTH SERVICE BUREAUS BE ESTABLISHED IN EACH COUNTY, IN CONJUNCTION WITH THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS AND WITH JOINT FUNDING IN ORDER TO AID THE SPECIAL PROBLEMS OF THE YOUTH IN ALL COMMUNITIES.

STANDARD 4.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE YOUTH SERVICE BUREAUS UTILIZE EXISTING SERVICES FOR YOUTH THROUGH REFERRAL, SYSTEMATIC FOLLOW-UP AND INDIVIDUAL ADVOCACY. THE YOUTH SERVICE BUREAUS SHOULD ALSO HELP DEVELOP AND PROVIDE SERVICES ON AN ON-GOING BASIS ONLY WHERE THESE SERVICES ARE UNAVAILABLE TO THE YOUTH IN THE COMMUNITY OR ARE INAPPROPRIATE.

STANDARD 4.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT YOUTH SERVICE BUREAUS BE OPERATED BY THE PEOPLE OF THE COMMUNITY IT SERVES INVOLVING THEM IN THE SOLUTIONS OF YOUTH PROBLEMS. ADULTS FROM THE COMMUNITY, REPRESENTATIVES OF LOCAL AGENCIES AND JUVENILE OFFICIALS SHOULD BE INVOLVED IN DECISION-MAKING BUT IN NO CASE SHOULD THE BUREAU BE UNDER THE CONTROL OF THE JUVENILE JUSTICE SYSTEM.

STANDARD 4.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE TARGET GROUP OF THE YOUTH SERVICE BUREAUS SHOULD BE ALL THE YOUTH IN THE COMMUNITY.

STANDARD 4.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT LAW ENFORCEMENT, COURT AND YOUTH SERVICE BUREAU PERSONNEL WORK TO JOINTLY DEVELOP IN WRITING SPECIFIC CRITERIA FOR DIVERSIONARY REFERRALS. REFERRALS TO A YOUTH SERVICE BUREAU SHOULD BE COMPLETED ONLY IF VOLUNTARILY ACCEPTED BY THE YOUTH.

STANDARD 4.12: THE COMMUNITY ALLIANCE RECOMMENDS THAT IN CASE OF POLICY OR OTHER CONFLICT AMONG AGENCIES, THE ATTORNEY GENERAL'S OFFICE WILL HAVE THE FINAL DECISION.

STANDARD 4.13: THE COMMUNITY ALLIANCE RECOMMENDS THAT A PROGRAM OF LAW-FOCUSED EDUCATION BE INSTITUTED IN ALL OF MAINE'S SCHOOLS, FROM KINDERGARTEN THROUGH HIGH SCHOOL, TO TEACH YOUNGSTERS WHAT THE LAW IS ABOUT, HOW AND WHY THE SYSTEM OPERATES, AND WHAT THE CONSEQUENCES ARE WHEN IT IS VIOLATED.

Chapter V

STANDARD 5.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT EACH POLICE AGENCY PROVIDE SPECIALIZED TRAINING IN ALL JUVENILE MATTERS, AS WELL AS JUVENILE CRIME PREVENTION, FOR ALL OFFICERS.

STANDARD 5.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE AGENCIES WITH MORE THAN 15 EMPLOYEES SHOULD ESTABLISH JUVENILE INVESTIGATIVE CAPABILITIES BASED UPON COMMUNITY JUVENILE PROBLEMS.

STANDARD 5.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT TRAINING BE CONDUCTED FOR BOTH STAFF AND VOLUNTEERS OF CORRECTIONAL INSTITUTIONS BOTH AT INITIAL HIRE AND ON AN ON-GOING BASIS. FUNDS SHOULD BE MADE AVAILABLE FOR BOTH TRAINING COSTS AND EMPLOYEE WAGES DURING ANY TRAINING PERIOD.

STANDARD 5.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT PROBATION OFFICERS BE HIRED ON THE BASIS OF A COLLEGE DEGREE IN RELATED AREAS OR A COMBINATION OF TRAINING AND EXPERIENCE. HOWEVER, OF PRIMARY IMPORTANCE IS A DEMONSTRATED INTEREST AND SKILL IN WORKING WITH JUVENILES.

STANDARD 5.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT PROBATION OFFICERS AND OTHER CORRECTIONAL PERSONNEL WHO DEAL DIRECTLY WITH JUVENILES RECEIVE AN INITIAL TRAINING PROGRAM OF AT LEAST THIRTY-TWO HOURS, AND ADDITIONAL TRAINING WORKSHOPS IN CURRENT PROBLEMS AND SKILLS AND TECHNIQUES FOR DEALING WITH JUVENILES AT LEAST THREE OR FOUR TIMES PER YEAR.

STANDARD 5.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STAFF FOR YOUTH SERVICE BUREAUS BE HIRED ON THE BASIS OF THEIR SENSITIVITY AND RESPONSIVENESS TO YOUTH AND THEIR NEEDS. THE COMMITTEE HIRING STAFF SHOULD INCLUDE PERSONS FROM THE CITIZEN CONFERENCE COMMITTEES.

STANDARD 5.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT DISTRICT COURT JUDGES BE REQUIRED TO ATTEND TRAINING PROGRAMS RELATING TO JUVENILE JUSTICE, BOTH PRIOR TO ASSUMING THE BENCH AND ON A CONTINUING BASIS THEREAFTER. THESE PROGRAMS SHOULD EMPHASIZE SPECIALIZED AREAS RELEVANT TO JUVENILE AND FAMILY MATTERS.

STANDARD 5.8: THE COMMUNITY ALLIANCE RECOMMENDS A TRAINING PROGRAM THAT PROVIDES ON-GOING, INSERVICE TRAINING FOR D.A.'S AND THEIR STAFF IN THE PROBLEMS OF THE COMMUNITY, PROBLEMS OF YOUTH AND THE RESOURCES AVAILABLE.

STANDARD 5.9: THE COMMUNITY ALLIANCE RECOMMENDS A TRAINING PROGRAM THAT PROVIDES ON-GOING, IN-SERVICE TRAINING FOR DEFENSE ATTORNEYS.

Chapter VI

STANDARD 6.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT MINORS TAKEN INTO CUSTODY BY POLICE BE HANDLED IN SUCH A WAY THAT THEY ARE ADVISED OF THEIR RIGHTS, THEIR PARENT, CUSTODIAN OR GUARDIAN IS NOTIFIED, AND STATEMENTS MADE WITHOUT THE PRESENCE OF THE PARENT, CUSTODIAN, GUARDIAN OR COUNSEL WILL NOT BE ADMISSIBLE AS EVIDENCE IN COURT. THE JUVENILE SHOULD NOT BE BOOKED IN AN ADULT MANNER (i.e., FINGERPRINTS AND PHOTOGRAPHS) AND THEIR RECORDS SHOULD BE STORED SEPARATELY FROM THOSE OF ADULTS.

STANDARD 6.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE ARRESTING OFFICER IMMEDIATELY NOTIFY AN INTAKE WORKER WHEN THE ARRESTING OFFICER BELIEVES THAT THE JUVENILE SHOULD BE DETAINED PRIOR TO HIS INITIAL APPEARANCE IN COURT, OR WHEN THE ARRESTING OFFICER BELIEVES THAT FORMAL JUVENILE COURT PROCEEDINGS SHOULD BE COMMENCED AGAINST THE JUVENILE.

STANDARD 6.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE NATIONAL ADVISORY COMMISSION STANDARD CONCERNING THE PROCESSING OF CERTAIN DELINQUENCY CASES AS ADULT CRIMINAL PROSECUTIONS BE REJECTED IN FAVOR OF THE MAINE JUVENILE CODE.

STANDARD 6.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE ADJUDICATORY HEARINGS BE HELD BEFORE A COURT WITHOUT A JURY BUT IN ALL OTHER RESPECTS BE CONDUCTED IN A FORMAL MANNER, AS IF THE CHILD WERE AN ADULT ACCUSED OF A CRIME.

STANDARD 6.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT EMERGENCY PLACEMENT FACILITIES BE GIVEN PRIORITY UNDER THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS.

STANDARD 6.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT IT BE THE RESPONSIBILITY OF THE INTAKE WORKER/JUVENILE OFFICER TO DIVERT YOUTH WHO HAVE NOT YET COME INTO CONTACT WITH THE JUVENILE COURT AND SUPPORT AND REHABILITATE THOSE WHO HAVE.

STANDARD 6.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT YOUTH SERVICE BUREAUS FOCUS THEIR EFFORTS MOSTLY ON YOUTH WHO HAVE NOT YET COME IN CONTACT WITH THE JUVENILE COURT SYSTEM, INCLUDING THOSE PRESENTLY BEING DIVERTED FROM IT, AS WELL AS THOSE FAMILIES IN NEED OF SOCIAL SERVICES.

STANDARD 6.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS MAKE PROPOSALS FOR MEETING SERVICE NEEDS THAT ARE NOT PRESENTLY BEING MET.

STANDARD 6.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT TRAINING BE CONDUCTED FOR BOTH STAFF AND VOLUNTEERS BOTH AT INITIAL HIRING AND ON AN ON-GOING BASIS. FUNDS SHOULD BE MADE AVAILABLE FOR BOTH TRAINING COSTS AND EMPLOYEE'S WAGES DURING ANY TRAINING PERIOD.

STANDARD 6.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT JUVENILE COURT NOT IMPOSE DETENTION PLACEMENT FOLLOWING ADJUDICATION, UNLESS THERE IS RISK OF ANOTHER CRIME BEING COMMITTED, OR THE JUVENILE IS IN NEED OF CORRECTIONAL TREATMENT, OR A LESSER SENTENCE WILL DEPRECIATE THE SERIOUSNESS OF THE JUVENILE'S CONDUCT.

STANDARD 6.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS BE ESTABLISHED AS PLANNING AGENT FOR NEW FACILITIES, i.e., GROUP HOMES, HALF-WAY HOUSES, ETC., AND ALSO REMODELING PROGRAMS.

POLICE

STANDARDS AND GOALS

STANDARD 1.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY POLICE DEPARTMENT ESTABLISH WRITTEN POLICIES WHICH CLEARLY DEFINE THE PRIMARY GOALS AND OBJECTIVES OF POLICE SERVICES.

STANDARD 1.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY POLICE DEPARTMENT CLEARLY DEFINE THE ROLE OF THE POLICE OFFICER SO THAT IT IS UNDERSTOOD BY BOTH THE OFFICER AND THE GENERAL PUBLIC.

STANDARD 1.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY POLICE DEPARTMENT ESTABLISH A WRITTEN POLICY THAT OUTLINES THE DISCRETION USED BY ITS POLICE PERSONNEL. THE DEPARTMENT SHOULD ALSO ACTIVELY ENGAGE ITSELF IN A PUBLIC EDUCATIONAL PROCESS WHICH DESCRIBES THE USE OF DISCRETIONARY POWERS IN POLICE WORK.

STANDARD 1.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE DEPARTMENTS INITIATE OR EXPAND PROGRAMS TO IMPROVE COMMUNICATIONS WITH THE GENERAL PUBLIC AND ESTABLISH A FIRM RELATIONSHIP WITH THE NEWS MEDIA.

STANDARD 1.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE DEPARTMENTS BECOME INVOLVED IN TOTAL COMMUNITY DEVELOPMENT AND PLANNING.

STANDARD 1.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE DEPARTMENTS ESTABLISH GUIDELINES WHICH IMPROVE LABOR-MANAGEMENT RELATIONS WITHIN THEIR OWN DEPARTMENTS.

STANDARD 1.7: THE COMMUNITY ALLIANCE RECOMMENDS GREATER COMMUNITY INVOLVEMENT IN CRIME PREVENTION PROGRAMS.

STANDARD 1.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE OPERATIONAL EFFECTIVENESS OF MAINE'S CRIMINAL JUSTICE SYSTEM BE IMPROVED THROUGH INCREASED INTER-AGENCY COOPERATION AND COORDINATION.

STANDARD 1.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT STEPS BE IMPLEMENTED TO INCREASE THE COOPERATION AND WORKING RELATIONSHIPS BETWEEN THE PROSECUTOR'S OFFICE AND POLICE DEPARTMENTS.

STANDARD 1.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT AN EVALUATION SYSTEM BE CREATED TO MEASURE THE EFFICIENCY AND EFFECTIVENESS OF POLICE OPERATIONS.

STANDARD 1.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT LEGISLATION BE ENACTED THAT WILL PROHIBIT ANY BUREAU OR DIVISION CHIEF FROM SIMULTANEOUSLY HOLDING THAT POSITION AND THE POSITION OF COMMISSIONER OF PUBLIC SAFETY.

Chapter II

STANDARD 2.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT 24-HOUR POLICE SERVICE BE AVAILABLE TO EVERY MAINE CITIZEN.

STANDARD 2.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT POLICE DEPARTMENTS EMPLOY MORE CIVILIAN PERSONNEL AND MAKE BETTER USE OF PROPERLY TRAINED RESERVE OFFICERS.

STANDARD 2.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT SPECIALIZED PROGRAMS IN POLICE SERVICES BE JUSTIFIED AND EVALUATED. IF THE PROGRAM IS JUSTIFIED, THEN THEY SHOULD BE MAINTAINED OR EXPANDED WHEN NECESSARY.

STANDARD 2.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT AUXILIARY EQUIPMENT FOR POLICE OFFICERS BE STANDARDIZED AND THAT ALL UNIFORMS BE READILY DISTINGUISHABLE FROM OTHER UNIFORMED PERSONS.

STANDARD 2.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT AUTOMATIC RETRIEVAL OF INFORMATION BE AVAILABLE TO ALL POLICE DEPARTMENTS IN MAINE.

STANDARD 2.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY POLICE DEPARTMENT MAKE MAXIMUM USE OF STATE STATUTES PERMITTING POLICE DEPARTMENTS TO ISSUE WRITTEN SUMMONSES AND CITATIONS IN LIEU OF PHYSICAL ARREST AND PRE-ARRAIGNMENT CONFINEMENT.

STANDARD 2.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT ADDITIONAL TROOPERS BE FUNDED TO ALLEVIATE THE MANPOWER NEEDS OF THE MAINE STATE POLICE.

STANDARD 2.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL FACTORS BE STUDIED TO DETERMINE THE CAUSES INVOLVED IN THE INCREASE OF ASSAULTS ON POLICE OFFICERS IN THE STATE OF MAINE.

Chapter III

STANDARD 3.1: THE COMMUNITY ALLIANCE RECOMMENDS STATEWIDE USE OF THE RECRUITMENT, SCREENING, AND SELECTION SERVICE THAT IS PROVIDED BY THE MAINE MUNICIPAL ASSOCIATION.

STANDARD 3.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT DEPARTMENTS IMPLEMENT POLICIES TO ATTRACT THE BEST POSSIBLE PERSONNEL.

STANDARD 3.3: THE COMMUNITY ALLIANCE SUPPORTS A STATEWIDE SURVEY OF SALARIES, CAREER DEVELOPMENT PROGRAMS, AND RETIREMENT SYSTEMS, FOR LOCAL AND STATE LAW ENFORCEMENT AGENCIES.

STANDARD 3.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE CERTIFICATION PROCESS WHICH IS BASED ON EXPERIENCE AND EDUCATION BE MADE MANDATORY FOR ALL POLICE CHIEFS IN THE STATE OF MAINE.

STANDARD 3.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE ESTABLISH SALARY BONUSES FOR THOSE SHERIFFS WHO BECOME CERTIFIED THROUGH THE ACADEMY.

STANDARD 3.6: THE COMMUNITY ALLIANCE RECOMMENDS EXTENDING THE TERM OF OFFICE FOR COUNTY SHERIFF TO FOUR YEARS.

Chapter IV

STANDARD 4.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE CRIMINAL JUSTICE ACADEMY BE REMOVED FROM THE DEPARTMENT OF PUBLIC SAFETY AND ESTABLISHED AS A SEPARATE ENTITY WITHIN THE EXECUTIVE DEPARTMENT OF GOVERNMENT, WITH THE BOARD OF TRUSTEES ANSWERABLE TO THE GOVERNOR.

STANDARD 4.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE MEMBERSHIP OF THE ACADEMY'S BOARD OF TRUSTEES BE EXPANDED OR REALIGNED SO AS TO FAIRLY REPRESENT THOSE ELEMENTS OF THE CRIMINAL JUSTICE SYSTEM THAT HAVE INHERENT INTERESTS IN THE ACADEMY.

STANDARD 4.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT LEGISLATION BE ENACTED WHICH REQUIRES ALL LAW ENFORCEMENT OFFICERS TO RECEIVE ACADEMY TRAINING NOT LATER THAN NINETY (90) DAYS AFTER THEIR FIRST FIELD ASSIGNMENT.

STANDARD 4.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE BOARD OF TRUSTEES TAKE WHATEVER ACTION NECESSARY IN ORDER TO INCREASE THE HOURS SPENT ON HUMAN BEHAVIOR SUBJECTS.

STANDARD 4.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE BASIC TRAINING SCHOOLS OF THE STATE POLICE AND MUNICIPAL AND COUNTY OFFICERS BE INTEGRATED INTO ONE UNIFORM PROGRAM.

STANDARD 4.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE ACADEMY'S IN-SERVICE TRAINING PROGRAMS BE DECENTRALIZED.

STANDARD 4.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PENALTY ASSESSMENT STATUTE BE ENACTED BY THE LEGISLATURE.

COURTS

STANDARDS AND GOALS

Chapter I

STANDARD 1.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT NOTWITHSTANDING THE SEPARATION OF THE TRIAL COURTS, THE STATE COURT ADMINISTRATOR, PURSUANT TO STATUTE, EXTEND FULLER ASSISTANCE TO THE DISTRICT COURT SYSTEM.

STANDARD 1.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT A VERBATIM RECORDING BE REQUIRED IN ALL DISTRICT COURT PROCEEDINGS.

STANDARD 1.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE COURTHOUSE BE ADEQUATE IN DESIGN AND SPACE FOR CONDUCTING COURT BUSINESS. ALL ROOMS SHOULD BE LIGHTED AND HEATED PROPERLY AND PERSONS SHOULD BE ALLOWED IN THE COURTROOM TO HEAR THE PROCEEDINGS. THERE SHOULD BE AN ADEQUATE LAW LIBRARY.

STANDARD 1.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE MOST QUALIFIED PERSONS AVAILABLE BE SOUGHT FOR EMPLOYMENT IN THE COURTS. COURT PERSONNEL SHOULD BE REPRESENTATIVE OF THE COMMUNITY SERVED BY THE COURT.

STANDARD 1.5: THE COMMUNITY ALLIANCE RECOMMENDS A PERIODIC REVIEW OF MAINE STATUTES DEFINING TRAFFIC OFFENSES, TO RECONSIDER WHICH OFFENSES SHOULD BE DEFINED AS "CRIMES" AND WHICH AS NON-CRIMINAL "TRAFFIC INFRACTIONS." SIMILARLY, THERE SHOULD BE A PERIODIC REVIEW OF FINES IMPOSED FOR TRAFFIC OFFENSES.

Chapter II

STANDARD 2.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THERE BE A JUDICIAL SELECTION COMMISSION TO ASSIST THE GOVERNOR IN THE NOMINATION OF JUDGES. THE COMMISSION SHOULD PERFORM THE FOLLOWING DUTIES:

- A. SOLICIT QUALIFIED CANDIDATES FOR JUDICIAL VACANCIES;
- B. INVESTIGATE EACH CANDIDATE'S BACKGROUND AND ASSESS HIS/HER QUALIFICATIONS;
- C. MAINTAIN AN UPDATED FILE OF QUALIFIED POTENTIAL NOMINEES;
- D. SUBMIT NAMES OF QUALIFIED CANDIDATES TO THE GOVERNOR; AND
- E. REVIEW THE PERFORMANCE OF JUDGES ELIGIBLE FOR REAPPOINTMENT AT THE END OF EACH SEVEN YEAR TERM AND OF ACTIVE RETIRED JUDGES EVERY THREE YEARS.

STANDARD 2.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE SELECTION COMMISSION ADOPT THE FOLLOWING PROCEDURE FOR THE RECOMMENDATION OF CANDIDATES FOR JUDICIAL OFFICE:

- A. THE COMMISSION SHOULD DEVELOP AND PROMULGATE THE STANDARDS AGAINST WHICH POTENTIAL CANDIDATES ARE MEASURED;
- B. THE COMMISSION SHOULD ADOPT AND PUBLISH A BODY OF RULES GOVERNING ITS PROCEDURES;
- C. THE NAMES OF THREE TO FIVE CANDIDATES SHOULD BE SUBMITTED TO THE GOVERNOR TO FILL A VACANCY;

- D. THE LIST OF CANDIDATES SHOULD BE SENT TO THE GOVERNOR NO LATER THAN 60 DAYS AFTER NOTICE OF A VACANCY;
- E. THE GOVERNOR SHOULD NOMINATE ONE OF THE CANDIDATES WITHIN 30 DAYS OF THE COMMISSION'S RECOMMENDATION;
- F. IF THE GOVERNOR FAILS TO ACT AND CANNOT JUSTIFY REJECTION OF THE NAMES SUBMITTED OR DOES NOT REQUEST A REASONABLE EXTENSION OF TIME, THE POWER OF NOMINATION SHOULD SHIFT TO THE COMMISSION.
- G. A LAWYER MEMBER OF THE COMMISSION SHOULD BE INELIGIBLE FOR JUDICIAL NOMINATION UNTIL THE EXPIRATION OF HIS TERM AND THE EXPIRATION OF THE TERMS OF THE OTHER COMMISSION MEMBERS SERVING WITH HIM.

STANDARD 2.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT NOT LESS THAN 120 DAYS BEFORE THE EXPIRATION OF A JUDICIAL TERM, THE COMMISSION SHALL BEGIN THE SELECTION PROCESS. THE COMMISSION SHALL ASK FOR NOTIFICATION OF THE JUDGE'S INTENTION TO EITHER LEAVE THE BENCH OR TO PLACE HIS NAME IN FRONT OF THE COMMISSION FOR REAPPOINTMENT REVIEW. IF THE DECISION IS TO LEAVE THE BENCH, THEN THE PROCEDURES FOR NOMINATION SHALL TAKE EFFECT. IF THE DECISION IS TO SEEK REAPPOINTMENT THEN THE FOLLOWING PROCEDURES APPLY:

- A. THE COMMISSION SHOULD DEVELOP AND PROMULGATE THE STANDARDS AGAINST WHICH CANDIDATES FOR REAPPOINTMENT ARE MEASURED;
- B. THE COMMISSION SHOULD ADOPT AND PUBLISH A BODY OF RULES GOVERNING ITS PROCEDURES FOR REAPPOINTMENT;
- C. THE COMMISSION SHOULD REQUEST THE RECORDS OF THE PARTICULAR JUDGE FROM THE JUDICIAL QUALIFICATIONS COMMISSION. COPIES OF ALL MATERIALS PROVIDED SHOULD BE FURNISHED TO THE JUDGE BEING REVIEWED;
- D. THE COMMISSION SHOULD REVIEW THESE RECORDS, AS WELL AS OTHER INFORMATION DEEMED PERTINENT. THE COMMISSION SHOULD HAVE 30 DAYS TO MAKE ITS REAPPOINTMENT DECISION: IF THE DECISION IS MADE THAT THE JUDGE SHOULD NOT BE REAPPOINTED, THEN THE NOMINATION PROCEDURES SHOULD BEGIN. IF THE DECISION IS MADE TO REAPPOINT, THEN ONLY THE NAME OF THE JUDGE TO BE REAPPOINTED SHOULD BE SUBMITTED TO THE GOVERNOR;
- E. THE GOVERNOR SHOULD NOMINATE THIS CANDIDATE WITHIN 30 DAYS OF THE COMMISSION'S RECOMMENDATION; AND
- F. IF THE GOVERNOR FAILS TO ACT AND CANNOT JUSTIFY REJECTION OF THE NAME SUBMITTED OR DOES NOT REQUEST A REASONABLE EXTENSION OF TIME, THE POWER OF NOMINATION SHOULD DEVOLVE TO THE COMMISSION.

STANDARD 2.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE SELECTION COMMISSION BE COMPOSED OF FOUR LAYPERSONS, THREE ATTORNEYS, AND A PRESIDING BUT NON-VOTING JUDGE.

- A. THE LAY PERSONS AND ATTORNEYS SHOULD BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; AND
- B. THE JUDGE SHOULD BE SELECTED BY THE JUSTICES OF THE SUPREME JUDICIAL COURT.

STANDARD 2.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT RESTRICTIONS APPLY TO THE COMPOSITION OF THE SELECTION COMMISSION:

- A. THERE SHOULD BE NO CONSECUTIVE REAPPOINTMENT OF A COMMISSION MEMBER WHO HAS SERVED MORE THAN ONE-HALF OF A REGULAR TERM;
- B. NO MORE THAN TWO LAY MEMBERS AND TWO ATTORNEYS SHOULD BE OF THE SAME POLITICAL PARTY;
- C. EXCEPT FOR THE JUDGE MEMBER, NO TWO COMMISSION MEMBERS SHOULD BE FROM THE SAME COUNTY; AND
- D. HOLDERS OF ELECTIVE STATE OFFICE AS WELL AS ANY PERSON HOLDING AN OFFICIAL POSITION IN ANY POLITICAL PARTY SHOULD BE BARRED FROM MEMBERSHIP ON THE COMMISSION DURING THEIR TERM OF OFFICE.

STANDARD 2.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THERE BE A JUDICIAL QUALIFICATIONS COMMISSION TO INVESTIGATE COMPLAINTS ABOUT THE JUDICIARY AND TO DISCIPLINE OR REMOVE JUDGES. A JUDGE SHOULD BE SUBJECT TO DISCIPLINE OR REMOVAL FOR:

- A. PERMANENT PHYSICAL OR MENTAL DISABILITY WHICH SERIOUSLY INTERFERES WITH THE PERFORMANCE OF JUDICIAL DUTIES;

- B. WILLFUL MISCONDUCT IN OFFICE;
- C. WILLFUL AND PERSISTENT FAILURE TO PERFORM JUDICIAL DUTIES;
- D. HABITUAL INTEMPERANCE; OR
- E. INCOMPETENCE OR OTHER CONDUCT PREJUDICIAL TO THE ADMINISTRATIVE OF JUSTICE.

STANDARD 2.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT COMPLAINTS ABOUT JUDICIAL CONDUCT BE SUBMITTED TO THE OFFICE OF THE STATE COURT ADMINISTRATOR. UPON RECEIPT OF A COMPLAINT, THE ADMINISTRATOR'S OFFICE SHOULD NOTIFY THE COMMISSION. THE COMPLAINT SHOULD BE REVIEWED BY THE COMMISSION, AND, IF DEEMED PRELIMINARILY VALID, THE COMMISSION SHOULD BE RESPONSIBLE FOR THE INVESTIGATION OF THE CHARGES. IF THE INVESTIGATION REVEALS THAT THE ALLEGATIONS HAVE SUBSTANCE, THE QUALIFICATIONS COMMISSION SHOULD PURSUE ONE OF THE FOLLOWING COURSES OF ACTION:

- A. NOTIFY THE JUDGE UNDER INVESTIGATION OF THE CHARGES INVOLVED AND ASK FOR AN EXPLANATION. IF THE JUDGE RESPONDS IN A MANNER WHICH SATISFACTORILY EXPLAINS THE CHARGES, THE CASE MAY BE CLOSED;
- B. IF NO SATISFACTORY EXPLANATION IS FORTHCOMING, THE JUDGE MAY BE REPRIMANDED BY THE COMMISSION, WHICH MAY ACCEPT A NO-CONTEST PLEA TOGETHER WITH ASSURANCES THAT THE UNDESIRABLE CONDUCT WILL NOT BE REPEATED;
- C. ORDER A FULL INVESTIGATION AS A PRELIMINARY STEP IN SECURING REMOVAL OF THE JUDGE COMPLAINED AGAINST; OR
- D. IF THE JUDGE IS FOUND GUILTY AS CHARGED, THE COMMISSION SHOULD REMOVE HIM OR TAKE WHATEVER DISCIPLINARY ACTION IS APPROPRIATE.

STANDARD 2.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE QUALIFICATIONS COMMISSION ADOPT THE FOLLOWING PROCEDURE FOR DISCIPLINARY AND REMOVAL PROCEEDINGS:

- A. THE COMMISSION SHOULD ADOPT AND PUBLISH A BODY OF RULES GOVERNING ITS PROCEDURES;
- B. THE COMMISSION SHOULD ENSURE THAT EACH JUDGE IS GIVEN HIS DUE PROCESS RIGHTS, INCLUDING BUT NOT LIMITED TO THE RIGHT TO COUNSEL AND TO SUBPOENA, PRODUCE AND EXAMINE WITNESSES;
- C. THE COMMISSION SHOULD NOT REMOVE A JUDGE WITHOUT "CLEAR AND CONVINCING" EVIDENCE NOR DISCIPLINE A JUDGE WITHOUT "SUBSTANTIAL" EVIDENCE;
- D. THE COMMISSION'S PROCEEDINGS SHOULD BE CONFIDENTIAL. ITS DECISION SHOULD BE MADE PUBLIC ONLY AFTER THE EXPIRATION OF THE APPEAL PERIOD OR WHEN A FINAL DECISION IS RENDERED BY THE SUPREME JUDICIAL COURT;
- E. THE COMMISSION'S DECISION SHOULD BE FINAL. THERE SHOULD BE A RIGHT TO APPEAL TO THE SUPREME JUDICIAL COURT. THE COMMISSION SHOULD SET A TIME LIMIT FOR FILING AN APPEAL WITH THE SUPREME JUDICIAL COURT. APPEALS FROM THE QUALIFICATIONS COMMISSION SHOULD BE GIVEN THE HIGHEST PRIORITY BY THE SUPREME JUDICIAL COURT AND SHOULD BE HEARD WITHOUT UNNECESSARY DELAY;
- F. THE COMMISSION SHOULD HAVE THE POWER TO ACT ON ITS OWN INITIATIVE IN INVESTIGATING JUDICIAL CONDUCT; AND
- G. A MEMBER OF THE COMMISSION MAY NOT PARTICIPATE IN ANY PROCEEDING INVOLVING A CHARGE AGAINST HIMSELF, OR IN WHICH HE IS INVOLVED, OR INVOLVING A CHARGE AGAINST A PERSON WHO IS RELATED TO HIM.

STANDARD 2.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE QUALIFICATIONS COMMISSION BE COMPOSED OF FIVE LAYPERSONS, TWO ATTORNEYS AND TWO JUDGES.

- A. THE LAYPERSONS AND ATTORNEYS SHOULD BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; AND
- B. THE JUDGES SHOULD BE SELECTED BY THE JUSTICES OF THE SUPREME JUDICIAL COURT.

STANDARD 2.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT SPECIFIC RESTRICTIONS APPLY TO THE COMPOSITION OF THE QUALIFICATIONS COMMISSION:

- A. THERE SHOULD BE NO CONSECUTIVE REAPPOINTMENT OF A COMMISSION MEMBER WHO HAS SERVED MORE THAN ONE-HALF OF A REGULAR TERM;
- B. NO MORE THAN TWO LAY MEMBERS AND TWO ATTORNEYS SHOULD BE OF THE SAME POLITICAL PARTY;
- C. NO TWO COMMISSION MEMBERS SHOULD BE FROM THE SAME COUNTY; JUDGES-AT-LARGE COUNTY OF RESIDENCE SHOULD DETERMINE THE COUNTY THEY REPRESENT; AND

- D. HOLDERS OF ELECTIVE STATE OFFICE SHOULD BE BARRED FROM MEMBERSHIP ON THE COMMISSION AS WELL AS ANY PERSON HOLDING AN OFFICIAL POSITION IN ANY POLITICAL PARTY.

STANDARD 2.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT A REVIEW BE MADE OF THE JUDICIAL PENSION SYSTEM. THE PENSION SYSTEM SHOULD BE CHANGED TO ALLOW PENSION RIGHTS TO VEST PRIOR TO AGE 65. JUDICIAL SALARIES SHOULD ALSO BE REVIEWED TO DETERMINE WHETHER LONGEVITY OR COST OF LIVING INCREASES SHOULD BE UTILIZED.

STANDARD 2.12: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL JUDGES PARTICIPATE IN EDUCATIONAL PROGRAMS. ALL NEW JUDGES SHOULD ATTEND JUDICIAL COLLEGE WITHIN THREE YEARS OF APPOINTMENT TO THE BENCH, BUT PREFERABLY WITHIN THE FIRST YEAR. FAILURE, WITHOUT GOOD CAUSE, TO PURSUE CONTINUING EDUCATION SHOULD BE CONSIDERED BY THE SELECTION COMMISSION DURING REAPPOINTMENT REVIEW.

Chapter III

STANDARD 3.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE STATE COURT ADMINISTRATOR'S OFFICE PROVIDE PUBLIC INFORMATION SERVICES CONCERNING THE OPERATIONS AND ACTIVITIES OF THE COURTS.

STANDARD 3.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PUBLIC INFORMATION RESPONSIBILITIES OF THE STATE COURT ADMINISTRATOR INCLUDE THE PROVISION OF:

- A PAMPHLETS EXPLAINING THE RIGHTS OF ALL PARTIES AND THE COURT PROCESS;
- B A PAMPHLET DESCRIBING THE COURT PROCESS FOR JURORS AND THE GENERAL PUBLIC; AND
- C INFORMATION DESKS STAFFED BY PERSONNEL FAMILIAR WITH THE CRIMINAL JUSTICE SYSTEM, LOCATED IN EACH COURTHOUSE.

STANDARD 3.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE COURT AUTHORIZE THE ESTABLISHMENT OF A COURT ADMINISTRATION ADVISORY COMMITTEE TO AID THE STATE COURT ADMINISTRATOR IN THE DISCHARGE OF DUTIES.

Chapter IV

STANDARD 4.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE ASSIGNED COUNSEL SYSTEM BE RETAINED, BUT EXPERIMENTATION WITH ALTERNATE APPROACHES SHOULD BE AUTHORIZED IN APPROPRIATE PLACES.

STANDARD 4.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE UNIFORM AFFIDAVIT FOR THE DETERMINATION OF INDIGENCY USED IN THE SUPERIOR COURT BE USED IN ALL MAINE COURTS. THE COURT SYSTEM SHOULD ADOPT FLEXIBLE SCHEMES FOR PAYMENT AND FOR PARTIAL PAYMENT FOR DEFENSE SERVICES.

STANDARD 4.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT A MASTER LIST OF ATTORNEYS ELIGIBLE FOR COURT APPOINTMENT BE COMPILED AND UPDATED BY REGIONAL PRESIDING JUSTICES IN CONSULTATION WITH SUPERIOR AND DISTRICT COURT JUDGES.

STANDARD 4.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT CHANGES BE MADE IN THE CURRENT SYSTEM OF HANDLING GRIEVANCES AGAINST ATTORNEYS.

STANDARD 4.5: THE COMMUNITY ALLIANCE SUPPORTS THE MAINE STATE BAR ASSOCIATION, THE MAINE TRIAL LAWYERS ASSOCIATION AND THE UNIVERSITY OF MAINE SCHOOL OF LAW IN THEIR EFFORTS TO PROVIDE CONTINUING EDUCATION FOR ATTORNEYS.

Chapter V

STANDARD 5.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT ELECTION OF DISTRICT ATTORNEYS BE RETAINED AND THAT DISTRICT ATTORNEYS SHOULD BE COMPENSATED AT A RATE COMPARABLE TO THAT OF DISTRICT COURT JUDGES.

STANDARD 5.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT ASSISTANT DISTRICT ATTORNEYS BE HIRED ON THE BASIS OF MERIT AND, WHEREVER POSSIBLE, SHOULD BE FULL-TIME EMPLOYEES. THERE SHOULD BE A SUFFICIENT NUMBER OF ASSISTANT DISTRICT ATTORNEYS TO ADEQUATELY STAFF EACH OFFICE.

STANDARD 5.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT GUIDELINES BE ESTABLISHED TO INSURE THAT COUNTY FUNDING FOR DISTRICT ATTORNEY OFFICES BE SUFFICIENT. THESE GUIDELINES SHOULD BE USED TO EVALUATE THE EFFICIENCY OF THE DUAL SOURCE FUNDING OF DISTRICT ATTORNEYS' OFFICES.

STANDARD 5.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT EACH PROSECUTORIAL OFFICE DEVELOP WRITTEN GUIDELINES CONCERNING SCREENING, DIVERSION, PLEA BARGAINING AND ALL OTHER AREAS OF PROSECUTORIAL DISCRETION. EVERY ASSISTANT SHOULD RECEIVE A COPY OF THESE GUIDELINES WHICH SHOULD BE CONTAINED IN A COMPREHENSIVE OFFICE MANUAL. PROSECUTORS SHOULD MONITOR THE WORK OF THEIR ASSISTANTS TO INSURE THE GUIDELINES ARE BEING FOLLOWED.

STANDARD 5.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT ORIENTATION AND YEARLY FOLLOW-UP TRAINING FOR THE PROSECUTORIAL STAFF BE MANDATORY.

STANDARD 5.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT PROSECUTORIAL OFFICES COLLECT STATISTICAL INFORMATION AND DEVELOP A FILE CONTROL SYSTEM. RECORDS SHOULD BE CENTRALIZED AND ACCESS SHOULD BE CONTROLLED.

STANDARD 5.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DISTRICT ATTORNEY TAKE AN ACTIVE ROLE IN EDUCATING CRIMINAL JUSTICE PROFESSIONALS AND THE PUBLIC ABOUT HIS OFFICE AND ITS FUNCTION IN THE CRIMINAL JUSTICE SYSTEM.

STANDARD 5.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT PROSECUTORIAL OFFICES DEVELOP PROGRAMS DESIGNED TO AID VICTIMS AND WITNESSES. AT THE VERY LEAST, THE CHIEF PROSECUTOR SHOULD ESTABLISH A VICTIM/WITNESS NOTIFICATION PROGRAM. VICTIMS SHOULD BE INFORMED OF THEIR RIGHTS AND AIDED IN FINDING HELP FOR PROBLEMS CAUSED BY THEIR VICTIMIZATION.

STANDARD 5.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT WITNESSES BE CALLED TO TESTIFY ONLY WHEN THEIR PRESENCE IS NECESSARY. STEPS SHOULD BE TAKEN TO MINIMIZE THE BURDEN OF TESTIFYING IMPOSED UPON WITNESSES.

STANDARD 5.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT GOVERNMENT EMPLOYEES SERVING AS WITNESSES IN THE COURSE OF THEIR DUTIES BE COMPENSATED BY THEIR EMPLOYING BODY AT THEIR REGULAR RATE OF PAY. ALL OTHER WITNESSES, WHETHER APPEARING IN COURT OR BEFORE THE GRAND JURY, SHOULD BE COMPENSATED AT THE RATE OF AT LEAST \$20 PER DAY AND SHOULD RECEIVE COMPENSATION FOR MILEAGE AT A RATE EQUAL TO THE RATE PAID BY THE STATE TO ITS EMPLOYEES.

Chapter VI

STANDARD 6.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT RECORDS OF SCREENING DECISIONS BE KEPT ON FILE IN THE PROSECUTOR'S OFFICE. PROSECUTORS' OFFICES SHOULD DEVELOP FORM LETTERS WHICH CONTAIN A LIST OF THE ORIGINAL CHARGES MADE AND THE SCREENING DECISION, TO BE SENT TO ALL VICTIMS AND WITNESSES INVOLVED IN A CASE.

STANDARD 6.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT SCREENING GUIDELINES BE MADE PUBLIC.

Chapter VII

STANDARD 7.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT APPROPRIATE OFFENDERS BE DIVERTED WHENEVER POSSIBLE.

STANDARD 7.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT WRITTEN GUIDELINES FOR DIVERSION BE FORMULATED, ESTABLISHED, AND MADE PUBLIC BY THE PROSECUTOR'S OFFICE.

STANDARD 7.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT AN ACCUSED BE ALLOWED TO PARTICIPATE IN A DIVERSION PROGRAM ONLY AFTER HE HAS BEEN INFORMED THAT PARTICIPATION IN A DIVERSION PROGRAM INVOLVES A WAIVER OF HIS RIGHT TO A TRIAL AND ITS SURROUNDING CONSTITUTIONAL SAFEGUARDS, AND HE KNOWINGLY AND VOLUNTARILY WAIVES THESE RIGHTS WITH DEFENSE COUNSEL PRESENT.

STANDARD 7.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PROSECUTOR HAVE THE AUTHORITY TO REINSTITUTE CRIMINAL PROCEEDINGS IF THE DIVERSION AGREEMENT IS VIOLATED OR IF THE DEFENDANT COMMITS A CRIME DURING THE PERIOD OF THE DIVERSION AGREEMENT.

Chapter VIII

STANDARD 8.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PROSECUTOR'S OFFICE ESTABLISH A WRITTEN GUIDELINE GOVERNING PLEA NEGOTIATIONS. THIS POLICY SHOULD BE MADE AVAILABLE TO THE PUBLIC. THE DISTRICT ATTORNEY SHOULD REVIEW PLEA AGREEMENTS TO INSURE THAT THE GUIDELINES ARE BEING FOLLOWED.

STANDARD 8.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT TWO LIMITS BE PLACED ON PLEA NEGOTIATIONS. INTERNALLY, THE PROSECUTOR'S OFFICE SHOULD ENCOURAGE EARLY PLEA NEGOTIATIONS BY ESTABLISHING A TIME LIMIT AFTER WHICH SUCH NEGOTIATIONS WOULD NOT BE CONDUCTED. THE COURT SHOULD PROMULGATE A RULE WHICH WOULD PROHIBIT A NEGOTIATED PLEA FROM BEING ENTERED WITHIN 24 HOURS OF THE TRIAL, EXCEPT IN EXCEPTIONAL CIRCUMSTANCES.

STANDARD 8.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT RULE 11 OF THE MAINE RULES OF CRIMINAL PROCEDURE REQUIRE THAT THE JUDGE'S REASONS FOR ACCEPTING OR REJECTING A PLEA SHALL BE SPECIFICALLY ENTERED ON THE RECORD. THE ALLIANCE FURTHER RECOMMENDS THAT THE JUDGE NOT CONSIDER THE GUILTY PLEA IN REVIEWING A SENTENCE, BUT RATHER, DECIDE WHETHER THE SENTENCE IS WITHIN THE BOUNDS OF A SENTENCE HE WOULD GIVE TO A SIMILAR OFFENDER.

STANDARD 8.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT RULE 11 OF THE MAINE DISTRICT COURT CRIMINAL RULES BE AMENDED TO REQUIRE DISCLOSURE OF A PLEA AGREEMENT IN OPEN COURT AT THE TIME A PLEA IS OFFERED AND TO REQUIRE THAT THE JUDGE'S REASONS FOR ACCEPTING OR REJECTING A PLEA BE SPECIFICALLY ENTERED ON THE RECORD. FOR CLASS D CRIMES, THE RULE SHOULD BE AMENDED TO REQUIRE THE FULL INQUIRY COVERED BY RULE 11 OF THE MAINE RULES OF CRIMINAL PROCEDURE.

Chapter IX

STANDARD 9.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PERIOD FROM ARREST TO THE BEGINNING OF TRIAL GENERALLY NOT EXCEED 60 DAYS IN A FELONY PROSECUTION AND 30 DAYS IN A MISDEMEANOR PROSECUTION.

STANDARD 9.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT STATISTICS BE COLLECTED REGARDING BAIL AND THAT THESE STATISTICS BE USED TO EVALUATE THE CURRENT STATUTORY PROVISIONS ON BAIL.

STANDARD 9.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL MOTIONS IN MISDEMEANOR CASES BE FILED WITHIN SEVEN DAYS AFTER APPOINTMENT OR RETENTION OF COUNSEL AND SHOULD BE HEARD IMMEDIATELY PRECEDING TRIAL.

STANDARD 9.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT WHEREVER POSSIBLE, PROBABLE CAUSE HEARINGS BE HELD WITHIN TWO WEEKS OF APPOINTMENT OR RETENTION OF COUNSEL.

STANDARD 9.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT GRAND JURY INDICTMENT NOT BE REQUIRED IN CRIMINAL PROSECUTIONS. THE GRAND JURY SHOULD REMAIN IN EXISTENCE FOR INVESTIGATIVE PURPOSES AND FOR CHARGING, AT THE DISCRETION OF THE PROSECUTOR. PROBABLE CAUSE HEARINGS SHOULD BE HELD IN ALL CASES NOT BEING SUBMITTED TO THE GRAND JURY, AND IN CASES WHICH WILL BE SUBMITTED TO THE GRAND JURY BUT WHICH WILL NOT BE HEARD BY THEM WITHIN A REASONABLE AMOUNT OF TIME. IF PROBABLE CAUSE IS FOUND, THE DISTRICT ATTORNEY MAY BEGIN PROCEEDINGS IN SUPERIOR COURT THROUGH THE FILING OF AN INFORMATION OR ELECT TO TAKE THE CASE TO THE GRAND JURY. IF PROBABLE CAUSE IS NOT FOUND, THE PROSECUTOR SHOULD RETAIN WITHIN LIMITS, THE OPTION TO BRING THE CASE BEFORE THE GRAND JURY.

STANDARD 9.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT, AT THE INITIAL APPEARANCE BEFORE A JUDGE, THE ACCUSED BE INFORMED OF THE CHARGES AGAINST HIM AND OF ALL OF HIS RIGHTS BOTH ORALLY AND IN WRITING.

STANDARD 9.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL PRE-TRIAL MOTIONS IN CASES INVOLVING A, B, & C CRIMES BE FILED WITHIN FIFTEEN DAYS:

- OF THE PROBABLE CAUSE HEARING, OR WAIVER THEREOF; OR
- SERVICE OR APPREHENSION FOLLOWING INDICTMENT, WHICHEVER IS EARLIER.

THE HEARING ON THE MOTION SHOULD BE HELD ON THE NEXT REGULARLY SCHEDULED MOTION DAY AFTER THE SEVEN DAY FILING DEADLINE REQUIRED BY MAINE LAW.

STANDARD 9.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT CONTINUANCES BE LIMITED, ESPECIALLY WHERE A DEFENDANT IS INCARCERATED BEFORE TRIAL. ADVANCE APPLICATION IN WRITING, SIGNED BY THE REQUESTING PARTY, SHOULD BE REQUIRED FOR CONTINUANCES. IF A CONTINUANCE IS NECESSARY IN A MISDEMEANOR CASE, A NEW TRIAL SHOULD BE HELD WITHIN 10 DAYS.

STANDARD 9.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT DISCOVERY BY THE PROSECUTION BE ALLOWED WITHIN LIMITS. ALL DISCOVERABLE EVIDENCE SHOULD BE PROVIDED AS A MATTER OF COURSE WITHOUT THE NEED FOR A MOTION.

STANDARD 9.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT JURY EMPANELLING TAKE PLACE, AT THE LATEST, AS SOON AS THE JURY IN THE PRECEDING CASE HAS RETIRED TO CONSIDER A VERDICT.

STANDARD 9.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE JUDGE BRIEF EACH JURY PANEL IMMEDIATELY PRIOR TO THE COMMENCEMENT OF A CASE, CONCERNING THE RESPONSIBILITIES AND CONDUCT OF A JUROR, AND THE PROCEEDINGS OF A TRIAL. A STANDARDIZED JURY INSTRUCTION FORMAT SHOULD BE UTILIZED IN ALL CRIMINAL TRIALS AS FAR AS IS PRACTICABLE.

STANDARD 9.12: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE COURT RETAIN CONTROL OF CASE SCHEDULING. THE PROSECUTOR SHOULD, HOWEVER, HAVE INPUT INTO THE SCHEDULING OF HIGH PRIORITY CASES.

Chapter X

STANDARD 10.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE MAINE CONSTITUTIONAL GUARANTEE OF TRIAL BY JURY BE RETAINED FOR THOSE OFFENSES PUNISHABLE BY IMPRISONMENT IN EXCESS OF SIX MONTHS OR A FINE EXCEEDING \$500. DEFENDANTS CHARGED WITH CRIMES WITHIN THE JURISDICTION OF THE DISTRICT COURT, WHO ELECT TO EXERCISE THE RIGHT TO JURY TRIAL, SHOULD BE REQUIRED TO REQUEST TRANSFER TO THE SUPERIOR COURT PRIOR TO DISTRICT COURT PROCEEDINGS.

STANDARD 10.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT A STUDY OF THE APPEALS PROCESS BE CONDUCTED.

STANDARD 10.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT SPECIAL EMPHASIS BE PLACED ON DEVELOPMENT AND IMPLEMENTATION OF TECHNIQUES WHICH WILL EXPEDITE APPEALS WHILE MAINTAINING THE HIGH QUALITY OF APPELLATE DECISIONS.

STANDARD 10.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT A REVIEW PROCESS BE DEVELOPED SO THAT THE LAW COURT DEVOTES MINIMAL TIME TO CASES WHICH DO NOT PRESENT QUESTIONS OF LAW.

STANDARD 10.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL SUPREME COURT JUSTICES BE HOUSED IN ONE BUILDING.

STANDARD 10.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE SUPERIOR COURT BE NOTIFIED WHEN A PERFECTED APPEAL IS FILED WITH THE LAW COURT. CASE TRACKING SYSTEMS SHOULD BE INSTITUTED TO PREVENT CONVICTED OFFENDERS FROM USING APPEALS AS A DELAYING TACTIC.

CORRECTIONS

STANDARDS AND GOALS

Chapter I

STANDARD 1.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE CONSTRUCTION OF ALL NEW CORRECTIONAL INSTITUTIONS BE POSTPONED UNTIL INMATE POPULATIONS ARE CLASSIFIED AND TRANSFERRED TO EXISTING FACILITIES AS OUTLINED IN THE "ADULT MASTER PLAN".

STANDARD 1.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE FUND, AND THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS COORDINATE, THE EFFORTS OF THE APPROPRIATE STATE AND COUNTY CORRECTIONS AGENCIES IN THE DEVELOPMENT OF AN EXTENSIVE SYSTEM OF COMMUNITY-BASED PROGRAMS FOR SELECTED INSTITUTIONALIZED OFFENDERS.

STANDARD 1.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE MANDATE MINIMUM STANDARDS FOR CORRECTIONAL FACILITIES. THESE STANDARDS SHOULD INSURE THAT INSTITUTIONS MEET THE REQUIREMENTS OF THE STATE HEALTH AND SANITATION LAWS, AND SHOULD PROVIDE EACH INMATE WITH ADEQUATE LIVING SPACE, AND FACILITIES FOR PERSONAL HYGIENE AND PHYSICAL RECREATION. THE AVAILABILITY AND QUALITY OF MEDICAL CARE SHOULD BE DELIVERED AT A LEVEL EQUAL TO THAT AVAILABLE TO THE GENERAL PUBLIC.

STANDARD 1.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT ALL CORRECTIONAL INSTITUTIONS BE INSPECTED ANNUALLY ON A SURPRISE BASIS BY A TEAM OF SPECIALISTS NOT REGULARLY EMPLOYED BY THE STATE. THIS TEAM WILL BE RESPONSIBLE DIRECTLY TO THE GOVERNOR'S OFFICE.

STANDARD 1.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT A STATEWIDE CLASSIFICATION POLICY BE IMPLEMENTED. THIS POLICY SHOULD HAVE AS ITS PRIMARY PURPOSE THE SCREENING OF OFFENDERS FOR SAFE AND APPROPRIATE PLACEMENT.

STANDARD 1.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT CORRECTIONAL INSTITUTIONS APPLY ONLY THAT AMOUNT OF SECURITY NECESSARY FOR THE PROTECTION OF THE PUBLIC, STAFF AND INMATES.

STANDARD 1.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE BUREAU OF CORRECTIONS IDENTIFY THOSE OFFENDERS REQUIRING SPECIAL TREATMENT, REMOVE THEM FROM THE CORRECTIONAL FACILITY AND DIVERT THEM INTO APPROPRIATE SERVICES, PROGRAMS, OR INSTITUTIONS.

STANDARD 1.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY CORRECTIONAL FACILITY PROVIDE EXTENSIVE EDUCATIONAL AND VOCATIONAL PROGRAMS WHICH ARE FLEXIBLE AND DIVERSIFIED ENOUGH TO MEET INDIVIDUAL INMATE'S NEEDS. THESE PROGRAMS SHOULD BE GEARED TO PROVIDE SKILLS WHICH WILL EXPEDITE REENTRY INTO THE COMMUNITY.

STANDARD 1.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT WHENEVER POSSIBLE SELECTED OFFENDERS BE PLACED IN WORK STUDY RELEASE PROGRAMS AND FURLOUGH PROGRAMS.

STANDARD 1.10: THE COMMUNITY ALLIANCE RECOMMENDS THAT EACH CORRECTIONAL FACILITY REVIEW AND REVISE ITS POLICIES TO STIMULATE THE OFFENDER TO PARTICIPATE IN THE CHANGING OF HIS STATUS AND CLASSIFICATION, INCLUDING TREATMENT, EDUCATIONAL AND WORK PROGRAMS. COMPENSATION SHOULD BE PROVIDED AND EXEMPLARY GOOD TIME SHOULD BE DEPENDENT ON PARTICIPATION IN PROGRAMS PROVIDED.

STANDARD 1.11: THE COMMUNITY ALLIANCE RECOMMENDS THAT CORRECTIONAL FACILITIES DEVELOP AN ONGOING COUNSELING PROGRAM INCLUDING BOTH INDIVIDUAL AND GROUP THERAPY. RELIGIOUS AND SPIRITUAL COUNSELING SHOULD BE INCLUDED, AS WELL AS PSYCHOLOGICAL COUNSELING. COUNSELING STAFF SHOULD BE APPROPRIATELY TRAINED, EDUCATED AND LICENSED. ANY OFFENDER FOR WHOM THE COUNSELING PROGRAM PROVES INEFFECTIVE OR INEFFICIENT SHOULD BE REVIEWED FOR TRANSFER TO A MENTAL HEALTH PROGRAM.

STANDARD 1.12: THE COMMUNITY ALLIANCE RECOMMENDS THAT A WIDE VARIETY OF RECREATIONAL PROGRAMS BE PROVIDED BY CORRECTIONAL INSTITUTIONS. COMMUNITY INTERACTION IN THESE PROGRAMS SHOULD BE ENCOURAGED AND COMMUNITY FACILITIES SHOULD BE USED WHENEVER POSSIBLE. A FULL-TIME RECREATIONAL DIRECTOR SHOULD BE EMPLOYED AT THE LARGER FACILITIES AND A PART-TIME COORDINATOR SHOULD BE ON THE STAFF OF THE SMALLER INSTITUTIONS.

Chapter II

STANDARD 2.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE BUREAU OF CORRECTIONS ANALYZE NEEDS, RESOURCES AND GAPS IN SERVICE AND DEVELOP A SYSTEMATIC PLAN FOR IMPLEMENTING A WIDE RANGE OF ALTERNATIVES TO INCARCERATION. FURTHERMORE, WORKING RELATIONSHIPS SHOULD BE ESTABLISHED WITH A VARIETY OF LOCAL AGENCIES, ORGANIZATIONS AND BUSINESSES TO PROVIDE THIS PROGRAM OF COMMUNITY-BASED ALTERNATIVES.

STANDARD 2.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT A COMMUNITY-BASED CORRECTIONS PROGRAM WILL INCLUDE AS A MINIMUM THE FOLLOWING PROGRAM OFFERINGS:

- SUBSTANCE ABUSE PROGRAMS
- VOCATIONAL TRAINING PROGRAMS
- EDUCATIONAL PROGRAMS AVAILABLE ON THE SAME BASIS AS TO THE GENERAL PUBLIC
- EMPLOYMENT OPPORTUNITIES (RELEASE AND PRERELEASE)
- MENTAL HEALTH PROGRAMS

STANDARD 2.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THOSE ADULT OFFENDERS WHO DO NOT REPRESENT A THREAT TO SOCIETY, BE DIVERTED OUT OF CORRECTIONAL INSTITUTIONS AND INTO APPROPRIATE COMMUNITY-BASED PROGRAMS.

STANDARD 2.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE PROGRESS OF OFFENDERS PLACED IN COMMUNITY-BASED ALTERNATIVE PROGRAMS, BE FREQUENTLY MONITORED. PROGRESS THROUGH THE PROGRAM SHOULD BE BASED ON SPECIFIED BEHAVIORAL CRITERIA, RATHER THAN ON SUBJECTIVE REPORTS, TIME SERVED OR SENTENCE IMPOSED.

STANDARD 2.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT LEGISLATION MAKE MANDATORY THE PROVISION OF SERVICES TO THE CORRECTIONAL CLIENT FROM THE DEPARTMENTS OF HUMAN SERVICES AND EDUCATION AND THE BUREAUS OF MENTAL HEALTH AND RETARDATION.

Chapter III

STANDARD 3.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE PROVIDE FUNDING TO INCREASE THE STAFFING OF THE DEPARTMENT OF PROBATION AND PAROLE TO A LEVEL WHERE OFFICERS CAN PERFORM PRACTICAL SUPERVISION AND ONE-TO-ONE COUNSELING OF INDIVIDUAL CLIENTS.

STANDARD 3.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DIVISION OF PROBATION AND PAROLE BE REORGANIZED SO THAT SPECIALIZED JOB FUNCTIONS MAY BE PERFORMED FULL-TIME BY PERSONNEL WHO HAVE BEEN APPROPRIATELY TRAINED.

STANDARD 3.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT VOLUNTEERS AND SELECTED OFFENDERS BE CONSIDERED FOR, AND HIRED INTO, PROBATION POSITIONS, IF QUALIFIED.

STANDARD 3.4: THE COMMUNITY ALLIANCE RECOGNIZES THE PRIMARY FUNCTION OF THE PROBATION OFFICER TO BE THE PROTECTION OF SOCIETY. TO FULFILL THIS FUNCTION THE OFFICER WILL PROVIDE SUPERVISORY SERVICES AND ACT AS A COMMUNITY RESOURCE COORDINATOR FOR HIS CLIENTS.

Chapter IV

STANDARD 4.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT MINIMUM STANDARDS FOR CORRECTIONAL PERSONNEL BE ESTABLISHED AND MANDATED. THESE CRITERIA SHOULD INCLUDE:

HIGH SCHOOL DIPLOMA OR EQUIVALENT
PRESERVICE AND INSERVICE TRAINING
TRAINING, EDUCATION AND SUPERVISION IN POSITIONS
REQUIRING PROFESSIONAL EXPERTISE (i.e., COUNSELING)

STANDARD 4.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE ESTABLISH, MANDATE AND FUND A CORRECTIONAL PERSONNEL SCHOOL AT THE MAINE CRIMINAL JUSTICE ACADEMY. THIS SCHOOL SHOULD PROVIDE PRESERVICE TRAINING TO EVERY NEW OFFICER WITHIN SIX MONTHS OF HIS APPOINTMENT, AND A MINIMUM OF EIGHTY (80) HOURS OF INSERVICE TRAINING PER YEAR THEREAFTER.

STANDARD 4.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT INSTITUTIONS ESTABLISH IN HOUSE STAFF DEVELOPMENT AND TRAINING PROGRAMS.

STANDARD 4.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT MINIMUM SALARIES SHOULD BE ESTABLISHED FOR ALL CORRECTIONS PERSONNEL. THE SALARIES SHOULD BE COMPETITIVE WITH THOSE OF COMPARABLE CRIMINAL JUSTICE OR STATE EMPLOYEES. PROMOTIONS AND PAY RAISES SHOULD BE BASED ON A MERIT SYSTEM.

STANDARD 4.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT CORRECTIONAL INSTITUTIONS PROVIDE AN EXTENSIVE VOLUNTEER SERVICES PROGRAM TO COMPLEMENT FULL-TIME STAFF. TRAINING AND INSURANCE SHOULD BE PROVIDED.

STANDARD 4.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS ESTABLISH A PUBLIC INFORMATION/EDUCATION PROGRAM, DESIGNED TO INFORM THE PUBLIC OF CORRECTIONAL ISSUES AND ORGANIZE SUPPORT FOR GENERAL REFORM AND SPECIFIC COMMUNITY-BASED PROJECTS.

Chapter V

STANDARD 5.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT A CODE OF THE RIGHTS OF OFFENDERS BE DEVELOPED AND MANDATED BY THE LEGISLATURE. THIS CODE SHOULD INCLUDE A CLAUSE PROVIDING FOR ADEQUATE ENFORCEMENT OF ALL RIGHTS AS DEFINED, AND REMEDIES FOR VIOLATIONS OF THOSE RIGHTS.

STANDARD 5.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY CORRECTIONAL INSTITUTION DEVELOP WRITTEN RULES OF CONDUCT FOR ITS INMATES.

STANDARD 5.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT MINOR RULES VIOLATIONS BE PUNISHABLE BY REPRIMAND, OR LOSS OF COMMISSARY ENTERTAINMENT, OR RECREATIONAL FACILITIES FOR NOT MORE THAN 24 HOURS OF FREE TIME. ACTS OF VIOLENCE OR OTHER SERIOUS MISCONDUCT SHOULD BE PROSECUTED CRIMINALLY.

STANDARD 5.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT INDIVIDUAL INMATES HAVE ACCESS TO AN INMATE ADVOCATE, LEGAL MATERIALS, LEGAL COUNSEL, AND THE COURTS.

STANDARD 5.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT EVERY CORRECTIONAL FACILITY ESTABLISH POLICIES AND PROCEDURES TO INSURE THAT EACH INMATE IS FREE FROM PSYCHOLOGICAL AND PHYSICAL ABUSE BY OTHER OFFENDERS, OR MEMBERS OF THE CORRECTIONAL STAFF.

STANDARD 5.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE MANDATE A GRIEVANCE PROCEDURE FOR ALL INSTITUTIONS WHICH WILL ENABLE INMATES TO REPORT A GRIEVANCE DIRECTLY TO AN INMATE ADVOCATE. THIS ADVOCATE SHOULD ALSO BE THE REVIEWING AUTHORITY, AND SHOULD INSURE THAT AN INMATE WOULD NOT RECEIVE ADVERSE TREATMENT FOR FILING THE GRIEVANCE.

STANDARD 5.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT CORRECTIONAL ADMINISTRATORS INSURE THAT NO OFFENDER IS DEPRIVED OF ANY PROGRAM OPTIONS OR AFFECTED BY ANY DECISION-MAKING PROCESS BASED ON RACE, SEX, RELIGION, NATIONALITY OR POLITICAL PHILOSOPHY.

STANDARD 5.8: THE COMMUNITY ALLIANCE RECOMMENDS THAT PERSONS SUPERVISED BY CORRECTIONS PERSONNEL, BOTH IN INSTITUTIONS AND IN THE COMMUNITY, BE SUBJECT TO SEARCH AND SEIZURE AS APPROVED BY A JUDICIAL AUTHORITY. RULES CONCERNING SEARCH AND SEIZURE SHOULD BE PROVIDED TO THOSE INCARCERATED, AND INCLUDED IN ANY PROBATION AGREEMENT BETWEEN THE COURT AND THE OFFENDER.

STANDARD 5.9: THE COMMUNITY ALLIANCE RECOMMENDS THAT NO PERSON SHALL BE DEPRIVED OF ANY LICENSE, PERMIT, EMPLOYMENT, OFFICE, POST OF TRUST OR CONFIDENCE, OR POLITICAL OR JUDICIAL RIGHT BASED SOLELY ON ACCUSATION OF CRIMINAL BEHAVIOR.

Chapter VI

STANDARD 6.1: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE LEGISLATURE MANDATE PERIODIC SENTENCING INSTITUTES FOR JUDGES, TO PROMOTE EQUALITY IN SENTENCING.

STANDARD 6.2: THE COMMUNITY ALLIANCE RECOMMENDS THAT A COMPLETE RECORD OF ALL SENTENCING PROCEEDINGS BE KEPT BY THE COURT. THIS REPORT SHOULD CONTAIN THE JUDGE'S RATIONALE FOR THE SENTENCE DECISION.

STANDARD 6.3: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE COURTS ESTABLISH CRITERIA FOR PRESENTENCE REPORTS. PRESENTENCE REPORTS SHOULD BE REQUIRED IN ALL CASES WHERE INCARCERATION MAY BE THE SENTENCE.

STANDARD 6.4: THE COMMUNITY ALLIANCE RECOMMENDS THAT PRESENTENCE REPORTS NOT BE AVAILABLE TO THE PROSECUTOR, THE COURT, OR THE JURY PRIOR TO ADJUDICATION, UNLESS THERE IS A QUESTION THAT THE OFFENDER MAY BE UNABLE TO STAND TRIAL BECAUSE OF PSYCHOLOGICAL ILLNESS.

STANDARD 6.5: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE TIME AN OFFENDER SPENDS INCARCERATED WHILE AWAITING TRIAL OR SENTENCING BE AUTOMATICALLY CREDITED AGAINST HIS SENTENCE.

STANDARD 6.6: THE COMMUNITY ALLIANCE RECOMMENDS THAT THE SENTENCING COURT EXERCISE CONTINUAL JURISDICTION OVER THE SENTENCED OFFENDER.

STANDARD 6.7: THE COMMUNITY ALLIANCE RECOMMENDS THAT MAXIMUM EFFORT AND FUNDING BE DIRECTED TOWARD DEVELOPING COURT REFERRAL SERVICE AND ALTERNATIVE SENTENCING TREATMENT CENTERS AND PROGRAMS.

END