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| POLICY TITLE: TRANSITIONAL LIVING PROGRAM POLICY NUMBER: 9.3 (ACC) CHAPTER 9: SUPERVISION AND CASE MANAGEMENT | | PAGE <u>1</u> OF <u>10</u> |
|  | STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner:  | PROFESSIONAL STANDARDS: See Section VIII |
| EFFECTIVE DATE: June 23, 2021 | LATEST REVISION: August 10, 2021 | CHECK ONLY IF APA [] |

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Adult Community Corrections and all Adult Correctional Facilities

III. POLICY

It is the policy of the Department to provide temporary transitional housing for those persons under the supervision of adult community corrections who are approved for participation in the Transitional Living Program.

IV. DEFINITIONS

None

V. CONTENTS

| | |
|--------------|--------------------------------------------|
| Procedure A: | Transitional Living Program, General |
| Procedure B: | Eligibility Requirements |
| Procedure C: | Application and Approval Process, Standard |
| Procedure D: | Application and Approval Process, Special |
| Procedure E: | Conditions |
| Procedure F: | Length of Stay |
| Procedure G: | Documentation |

VI. ATTACHMENTS

| | |
|--------------------------------------|-------------------------------------------------------------------------------------------------|
| <u>Attachment A:</u> | <u>Transitional Living Program Application</u> |
| <u>Attachment B:</u> | <u>Transitional Living Program Referral/Review form</u> |
| Attachment C: | Transitional Living Program House Rules Agreement (<u>English/Spanish</u>) |
| <u>Attachment D:</u> | <u>Transitional Living Program Release of Liability</u> |

VII. PROCEDURES

Procedure A: Transitional Living Program, General

1. The Commissioner may establish one or more residences in the community to provide transitional housing for persons under the supervision of adult community corrections.
2. Transitional housing is not a correctional facility but a temporary residence akin to a shelter.
3. Approval to reside in this housing is granted at the discretion of the Department of Corrections and is considered a privilege, not a right.
4. The Department's Director of Adult Community Corrections, or other designee of the Commissioner, shall be responsible for the overall administration of the Department's Transitional Living Program (TLP).
5. The Regional Correctional Administrator of the adult community corrections region in which a transitional housing residence is located shall designate a Regional Correctional Manager to be responsible for the day-to-day management of the TLP in that region and another Regional Correctional Manager to be responsible in their absence.
6. The Regional Correctional Manager shall, among other responsibilities, ensure that an emergency evacuation plan is prominently displayed at the residence and that fire drills are conducted at the residence as recommended by the Fire Marshal's Office.
7. There shall be a TLP Program Attendant on site at all times to sign in/sign out clients, deal with physical plant issues (e.g., a water leak, kitchen or laundry appliance malfunction, etc.), and contact a probation officer or outside law enforcement officer as appropriate for issues requiring a probation or other law enforcement response (e.g., a violation of a supervision condition, fight, trespass, etc.).
8. A Program Attendant shall not, under any circumstances, exercise corrections officer powers or law enforcement officer powers or physically intervene with a client or other person. This includes any Department employee acting as a Program Attendant.
9. An adult community corrections client who is participating in the TLP shall continue to be supervised by their regular probation officer or probation officer assistant, unless supervision is transferred to another probation officer or probation officer assistant by the Director of Adult Community Corrections, or designee, and shall continue to be subject to all the conditions of their supervision.
10. If a client participating in the TLP commits a violation of a supervision condition that constitutes a crime, the Program Attendant shall immediately notify the appropriate outside law enforcement agency, the Regional Correctional Manager

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|----------------------------------------|-------------------------------------------|---------------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 2 of 9 8/10/21R |

responsible for the day-to-day management of the TLP, and, if applicable, the client's probation officer. If the client is being supervised by a probation officer assistant, the Regional Correctional Manager shall notify an appropriate probation officer.

11. This includes immediate notification regarding a client on supervised community confinement who commits a crime of escape by leaving the transitional housing location or by failing to return to that location in violation of a curfew, residence, time, or travel restriction set by their probation officer. In order to facilitate this notification, the probation officer shall provide the client's approved schedule to the TLP prior to the client's first day in transitional housing and update it as necessary.
12. If a client participating in the TLP commits a violation of a supervision condition that does not constitute a crime, the Program Attendant shall notify the Regional Correctional Manager responsible for the day-to-day management of the TLP and the client's probation officer or probation officer assistant no later than the next business day.
13. This includes a client who is on probation, supervised release for sex offenders, or parole who commits a violation by leaving the transitional housing location or by failing to return to that location in violation of a curfew, residence, time, or travel restriction set by their probation officer, if applicable. In order to facilitate this notification, if applicable, the probation officer shall provide the client's approved schedule to the TLP prior to the client's first day in transitional housing and update it as necessary.
14. If a client participating in the TLP commits a violation of a "house rule" that does not constitute a crime or a violation of a supervision condition, the Program Attendant shall notify the Regional Correctional Manager responsible for the day-to-day management of the TLP no later than the next business day.

Procedure B: Eligibility Requirements

1. Only an adult community corrections client who is homeless, is at risk of becoming homeless, is or would be in an unsafe situation at home, is on supervised community confinement or parole with an approval to reside in transitional housing, or for whom transitional housing is otherwise determined appropriate by the Commissioner, or designee, is eligible to participate in the Transitional Living Program (TLP).
2. This may include a client who is under supervision while on probation, supervised community confinement, supervised release for sex offenders, or parole.
3. If a transitional housing residence is located in a sex offender restricted zone as defined in Title 17-A M.R.S.A. section 261(4), a client who was convicted on or after June 30, 1992 of an offense under Chapter 11 or 12 of the Maine Criminal Code against a victim who had not attained 14 years of age at the time of the offense, or of a substantially similar offense in another jurisdiction, is not eligible to participate in the TLP at that location, regardless of whether the client is still under

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 3 of 9 8/10/21R |

supervision for that offense and regardless of whether the client is a registered sex offender.

Procedure C: Application and Approval Process, Standard

1. An adult community corrections client who is homeless, is at risk of becoming homeless, or is or would be in an unsafe situation at home may apply to participate in the Transitional Living Program (TLP) by submitting a Transitional Living Program Application (Attachment A) to their supervising probation officer or probation officer assistant.
2. An adult resident of a Department correctional facility who will be homeless or who is at risk of becoming homeless or of being in an unsafe situation at home upon release from custody to supervision in the community may apply to participate in the TLP by submitting a Transitional Living Program Application (Attachment A) to their case manager no sooner than thirty (30) days in advance of their current release date.
3. An adult person who is incarcerated in a jail who will be homeless or who is at risk of becoming homeless or of being in an unsafe situation at home upon release from custody to supervision in the community may apply to participate in the TLP by submitting a Transitional Living Program Application (Attachment A) to the probation officer the person is assigned to during intake no sooner than thirty (30) days in advance of their current release date.
4. The probation officer, probation officer assistant, or case manager, whichever is applicable, shall, as soon as practicable, and in any case no later than one (1) week from receipt of the application, review the application, make any additional inquiries they determine necessary, and make a decision whether or not to refer the application for further processing.
5. If the probation officer, probation officer assistant, or case manager decides not to refer the application for further processing, the person shall not be accepted into the TLP.
6. If the probation officer, probation officer assistant, or case manager decides to refer the application for further processing, they shall forward the application, along with the Transitional Living Program Referral/Review form (Attachment B) to the Regional Correctional Manager whose responsibility is the day-to-day management of the transitional housing residence.
7. The Regional Correctional Manager shall, within two (2) business days, review the application and referral/review form, review the applicable risk assessment instrument(s) in CORIS, make any additional inquiries they determine necessary, and make a recommendation whether or not the application should be approved, along with the reasons for the recommendation if the recommendation is to deny the application.
8. The Regional Correctional Manager shall forward the application, the referral/review form, and the recommendation to the Central Office Manager of Evidence Based Practices (for the adult facilities), the Central Office Manager of

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 4 of 9 8/10/21R |

Evidence Based Practices (for adult community corrections), and the Regional Correctional Administrator of the adult community corrections region in which the transitional housing residence is located, or if that person is not available, to another Regional Correctional Administrator designated by the Department's Director of Adult Community Corrections.

9. The Regional Correctional Administrator and the Central Office Managers of Evidence Based Practices, if available, shall make the final decision whether or not to approve the application. If they cannot agree, the final decision shall be made by the Director of Adult Community Corrections.
10. The Regional Correctional Administrator shall ensure that the Regional Correctional Manager, the probation officer, probation officer assistant, or case manager who made the referral, and the applicant are all notified of the decision. If the decision is to approve the application, the Regional Correctional Administrator shall also ensure that arrangements are made for the applicant to move into the transitional housing residence, if appropriate.
11. An approval for the TLP is subject to the availability of space in the transitional housing residence and may be withdrawn by the Commissioner, or designee, at any time for any reason.
12. An appeal is not allowed of any decision that results in the person not being allowed to participate in the TLP.

Procedure D: Application and Approval Process, Special

1. An adult resident of a Department correctional facility may apply to participate in the Transitional Living Program (TLP) as part of applying for supervised community confinement by submitting a Transitional Living Program Application (Attachment A) to their case manager at the time of submitting the supervised community confinement application.
2. If and only if the result of the initial review at the facility of the resident's application for supervised community confinement is that the resident is recommended for consideration for supervised community confinement, the case manager shall refer the TLP application for the review set out above.
3. This review shall take place before the investigation is arranged by the appropriate Regional Correctional Administrator in connection with the application for supervised community confinement, and the result of the review shall be reported to the case manager and that Regional Correctional Administrator for their further actions as appropriate, as well as to the applicant.
4. An adult resident of a Department correctional facility may apply to participate in the TLP as part of applying for parole by submitting a Transitional Living Program Application (Attachment A) to their case manager at the time of submitting the parole plan.
5. The case manager shall refer the TLP application for the review set out above. This review shall take place before the parole board hearing, and the result of the

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 5 of 9 8/10/21R |

review shall be reported to the case manager and the parole board for their further actions as appropriate, as well to the applicant.

6. If the Commissioner, or designee, determines that it might be appropriate for an adult community corrections client to be in transitional housing, the client's probation officer shall ask the client to submit a Transitional Living Program Application (Attachment A). If the client agrees, the probation officer shall refer the TLP application for the review set out above.
7. The Regional Correctional Administrator shall ensure that the Regional Correctional Manager, the probation officer or case manager who made the referral, and the applicant are all notified of the decision. If the decision is to approve the application, the Regional Correctional Administrator shall also ensure that arrangements are made for the applicant to move into the transitional housing residence, if appropriate.
8. An approval for the TLP is subject to the availability of space in the transitional housing residence and may be withdrawn by the Commissioner, or designee, at any time for any reason.
9. An appeal is not allowed of any decision that results in the person not being allowed to participate in the TLP.

Procedure E: Conditions

1. If an application to participate in the Transitional Living Program (TLP) is approved, the person shall be required to agree in writing, before being allowed to move into the transitional housing residence, to the following conditions. See Transitional Living Program House Rules Agreement (Attachment C).
 - a. participation in illegal activities in the transitional housing residence or on the grounds of the residence, including, but not limited to, parking lots or other State owned or leased property constituting or adjacent to the transitional housing residence, is prohibited;
 - b. use or possession of alcohol, illegal drugs, recreational marijuana, synthetic marijuana or any of its derivatives, pornography, or firearms or other dangerous weapons in the transitional housing residence or on the grounds of the residence, including, but not limited to, parking lots or other State owned or leased property constituting or adjacent to the transitional housing residence, is prohibited;
 - c. use of medical marijuana is limited to those not on supervised community confinement;
 - d. search by the Regional Correctional Manager, Regional Correctional Administrator, or a probation officer of the client's person, room, vehicle, and papers and effects (property), including, but not limited to, electronic devices, for alcohol or drug use, pornography, and firearms and other dangerous weapons, as applicable, regardless of whether a search condition is one of the client's supervision conditions, is consented to;
 - e. bringing or attempting to bring visitors to the transitional housing residence or onto the grounds of the residence, including, but not limited to, parking

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 6 of 9 8/10/21R |

lots or other State owned or leased property constituting or adjacent to the transitional housing residence, is prohibited;

- f. contact with any person with whom the client is not allowed to have contact, whether due to a condition of supervision, a protection from abuse or other protective order, other court order, or a harassment notice, is prohibited;
- g. behaving in a violent, threatening, harassing, or otherwise inappropriate manner toward other clients or staff is prohibited;
- h. engaging in conduct that consists of unwanted comments, gestures, writing, or physical contact that is sexual in nature toward other clients or staff is prohibited;
- i. engaging in discrimination on the basis of race, color, sex, religion, national origin, ethnicity, disability, age, sexual orientation, or gender identity against other clients or staff is prohibited;
- j. signing in with the Program Attendant upon entering the residence and signing out with the Program Attendant upon leaving the residence, including by indicating an expected time of return, is required;
- k. notifying the Program Attendant if the client will not in fact be returning at the expected time of return is required;
- l. entering or leaving the residence between designated “quiet hours,” except as required for employment, is prohibited;
- m. being quiet during the above hours and refraining from excessive noise at other times is required;
- n. the Program Attendant checking on the client’s welfare by entering the client’s room if the client does not respond to a knock on the door, telephone call, or other attempt at contact is consented to;
- o. sharing common areas in a respectful manner and otherwise being respectful of other clients and their space is required;
- p. entering the room of another client without being invited in by the other client, who must be in the room at the time, is prohibited;
- q. taking or using any item, including, but not limited to food items and electronic devices, belonging to another client or staff is prohibited;
- r. being fully clothed at all times while in a common area (except when using a bathroom or shower) is required;
- s. securing all prescribed medications and medical marijuana (and its paraphernalia) in the designated locker and keeping it locked is required (i.e., they may not be kept on the client’s person, in a vehicle in the parking lot, or anywhere else in the residence or on its grounds), with the exception that emergency use medications (inhaler for asthma, epi-pen for allergic reactions, and nitroglycerin for chest pain) may be kept on the client’s person;
- t. proof of a prescription for medication or of a written certification from a medical provider or registry identification card for medical marijuana is required to be produced upon the request of the Regional Correctional Manager, Regional Correctional Administrator, or a probation officer;

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 7 of 9 8/10/21R |

- u. storing perishable food items, appropriately labeled with the client's name, only in the designated locations in the kitchen is required;
 - v. storing other personal items outside of the room, including, but not limited to, personal hygiene items in the bathroom or shower area and non-perishable food items in the kitchen, is prohibited;
 - w. smoking of tobacco or medical marijuana is allowed only off grounds (i.e., not in the residence or on the grounds of the residence, including, but not limited to, parking lots or other State owned or leased property constituting or adjacent to the transitional housing residence);
 - x. cleaning kitchen appliances, counters, and sinks, cooking items, dishes, glasses, and utensils immediately after use is required;
 - y. cleaning toilets, sinks, and showers immediately after use is required;
 - z. completing assigned cleaning of common areas and the client's own room as scheduled is required;
 - aa. complying with all conditions of supervision (probation, supervised community confinement, supervised release for sex offenders, or parole, as applicable) is required; and
 - bb. any other conditions required by the Commissioner, or designee.
2. In addition, the person shall be required to agree in writing, before being allowed to move into the transitional housing residence, to the following conditions. See Transitional Living Program House Rules Agreement (Attachment C).
- a. seeking suitable alternate housing as soon as practicable is required;
 - b. maintaining or seeking employment, as applicable, unless receiving disability benefits adequate for support or engaging in a full-time education or treatment program, is required;
 - c. signing releases of information to verify income upon request by the Regional Correctional Manager or Regional Correctional Administrator is required;
 - d. if employed, maintaining or establishing a savings account with a financial institution (bank or credit union) and depositing 25% of net income into this account upon receipt is required;
 - e. removing any of the deposited funds prior to moving out of the transitional housing residence, except for expenses associated with alternate housing (e.g., security deposit, rent, moving expenses, purchase of bed, etc.) or as approved by the Regional Correctional Manager or Regional Correctional Administrator, is prohibited; and
 - f. providing a current savings account statement upon request by the Regional Correctional Manager or Regional Correctional Administrator is required.
3. Also, the person shall acknowledge, in writing, before being allowed to move into the transitional housing residence, the following. See Transitional Living Program House Rules Agreement (Attachment C).
- a. that the person is not being required to reside in the transitional housing residence and is doing so voluntarily;

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 8 of 9 8/10/21R |

- b. that the person may move out at any time for any reason, including that the person no longer agrees to the above conditions, except as set out below if applicable;
 - c. that if the person is on supervised community confinement, the person may not move out unless a different residence is approved by the probation officer; and
 - d. that the Commissioner, or designee, may require the client to move out at any time for any reason.
4. Finally, the person shall sign, before being allowed to move into the transitional housing residence, the Transitional Living Program Release of Liability (Attachment D).

Procedure F: Length of Stay

- 1. Unless extended with the approval of the Regional Correctional Administrator and the Central Office Managers of Evidence Based Practices, an adult community corrections client shall not be allowed to stay in a transitional housing residence for more than six (6) months.
- 2. A person shall not be allowed to stay in a transitional housing residence past the time of termination of the person's supervision by adult community corrections.
- 3. The Commissioner, or designee, may require a client to move out at any time for any reason.
- 4. An appeal is not allowed of any decision that results in a person not being allowed to stay in a transitional housing residence.

Procedure G: Documentation

- 1. All actions, decisions, and events related to the Transitional Living Program (TLP) shall be appropriately documented in CORIS.
- 2. Each Transitional Living Program Application, Referral/Review form, House Rules Agreement, and Release of Liability, once signed, shall be maintained in the appropriate adult facility or adult community corrections file for the person involved.

VIII. PROFESSIONAL STANDARDS

None

| POLICY NUMBER/TITLE | CHAPTER NUMBER/TITLE | PAGE NUMBER |
|---------------------------------|------------------------------------|-------------------------|
| 9.3 Transitional Living Program | 9. Supervision and Case Management | Page 9 of 9 8/10/21R |