



# MAINE STATE POLICE GENERAL ORDER

## M-1

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE USE OF FORCE

**EFFECTIVE DATE:** 10.31.2018

**RECENT HISTORY:** AMENDED (10.31.2018); AMENDED (11.11.2015); AMENDED (02.23.2015); AMENDED (02.10.2015); AMENDMENT (09.06.2014); TECHNICAL AMENDMENTS (12.16.2013); AMENDED (12.15.2011); AMENDED (07.14.2010); AMENDED (05.27.2010); AMENDED/UPDATED; RESCINDED MSP GO E-7 (10.05.2009)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purposes of this General Order are:
  - A. To provide Maine State Police officers with the provisions of Maine law regarding the use of non-deadly and deadly force;
  - B. To establish the process that the Maine State Police is to follow when responding to incidents involving the use of non-deadly and deadly force; and
  - C. To provide the general protocol to be followed to protect the mental and emotional health and general well-being of Maine State Police officers who have been involved an incident resulting in the possible or actual death of, or serious bodily injury to, a person.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. That an officer is to use only that degree of physical force that the officer reasonably and actually believes is necessary to effectively bring a situation under control while protecting the officer and/or any other person;
  - B. The Maine State Police is to duly respond to and review incidents involving the use of non-deadly and deadly force; and
  - C. That the Maine State Police take immediate, proactive action after an incident resulting in the possible or actual death of, or serious bodily injury to, a person, so as to protect the mental and emotional health and general well-being of Maine State Police officers involved in such incidents.

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Actual belief. "Actual belief" means a subjective state of mind in which a person holds a genuine or honest conviction.
  - B. Bodily Injury. "Bodily injury" means physical pain, physical illness or any impairment of physical condition. [17-A MRSA § 2(5).]
  - C. Chemical agent. "Chemical agent" means a substance composed of a mixture of gas and chemicals that has or is designed to have a disabling effect on human beings.
    1. Disabling pepper agents and oleoresin capsicum (OC) are each examples of a chemical agents.
  - D. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - E. Command presence. "Command presence" means the ability to speak clearly and authoritatively, issuing concise commands using a tone that reflects control and professionalism.
  - F. Compliance techniques. "Compliance techniques" means the methods of arrest, restraint, and control that include, but are not limited to, manipulation of joints, pressure point applications, and take-down techniques to control an aggressive person.
  - G. Deadly Force. "Deadly force" means physical force which a person uses with the intent of causing, or which he knows to create a substantial risk of causing, death or serious bodily injury.

1. Intentionally or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force. [17-A MRSA § 2(8).]
- H. Deadly force incident. "Deadly force incident" means an incident in which either:
1. Deadly force is used by an officer;
  2. Non-deadly force is used by an officer and the non-deadly force causes the death of, or serious bodily injury to, a person; or
  3. An accidental discharge of an officer's firearm occurs that causes the death of, or serious bodily injury to, a person.
- I. Excessive force. "Excessive force" means physical force that is unreasonable or unnecessary or inappropriate for a particular set of circumstances.
1. Determining whether the application of physical force is reasonable and appropriate requires consideration of the severity of the crime, the immediacy of the threat posed by a person, the degree to which the person resists arrest or detention, and any attempts by the person to flee.
  2. **Facts or circumstances unknown to the officer at the time he or she used physical force may not be considered later in determining whether physical force was justified.**
- J. Firearm. "Firearm" means "firearm" as defined at 17-A MRSA sec. 2(12-A).
- K. Imminent. "Imminent" means actually or apparently impending and immediate.
- L. Less-than-lethal munition. "Less-than-lethal munition" means "less-than-lethal munition" as defined at 17-A MRSA sec. 101(5)(B).
1. The use of a less-than-lethal munition approved by the Maine Criminal Justice Academy Board of Trustees by a trained law enforcement officer is considered to be the use of non-deadly force. *See* 17-A MRSA sec. 101(5).
- M. Maine State Police unit. "Maine State Police unit" means a major organizational component of the Maine State Police such as, for example, the Crime Lab, the State Bureau of Identification, or a Troop.

- N. Non-deadly force. "Non-deadly force" means any physical force which is not deadly force. [17-A MRSA § 2(18).]
- O. Non-deadly force incident. "Non-deadly force incident" means an incident in which either:
1. Non-deadly force is used by an officer; or
  2. An accidental discharge of an officer's firearm occurs.
- P. Officer presence. "Officer presence" means the attendance at and control by an officer of a given situation or incident.
- Q. Officer response options. "Officer response options" means the choices available to an officer concerning the type of force to be used by the officer in response to a given situation, including, but not limited to, command presence, physical presence, voice commands, compliance techniques, takedowns, electronic control devices, chemical agents, impact weapons, canines, and deadly force.
- R. Physical force. "Physical force" means the actual exercise of some form of kinetic energy by one person on another person that is of such a nature as to create an imminent and substantial risk of causing bodily harm to the other person.
- S. Reasonable belief. "Reasonable belief" means a belief of a person that is formed based on facts or circumstances provided to or known by the person that would cause the person to act or think in a way similar to the way a reasonable and prudent person, having the same belief based on the same facts or circumstances provided to or known by the person, would act or think.
- T. Serious Bodily Injury. "Serious bodily injury" means a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health. [17-A MRSA § 2(23).]
- U. Situational use of force. "Situational use of force" means a dynamic process by which an officer assesses, plans, and responds to situations that threaten public and officer safety.
1. The assessment process begins with the situation immediately confronting the officer and moves to the suspect's behavior and the officer's perceptions and tactical considerations.
  2. Based on this assessment, the officer selects from the available response options while continuing to evaluate the evolving situation and adapt a plan and actions that are reasonable and effective for the particular situation.

- V. Specialty team. "Bureau specialty team" means a team of Maine State Police officers that is specially trained and equipped to carry out a specific function, mission, or duty.
  - 1. The Tactical Team and the Incident Management Assistance Team are examples of specialty teams.

#### IV. PROCEDURE

##### 1. USE OF FORCE

###### A. GENERAL PRINCIPLES

- 1. The Maine State Police respects the value and uniqueness of each human life, and recognizes that with the authority officers have to lawfully and appropriately use physical force, comes great responsibility.
- 2. An officer is to use only that amount of force that reasonably appears to be necessary to effect an arrest, control a situation, or to defend the officer or a third party from harm.
  - a. The Maine State Police trains its officers to apply situational use-of-force options while recognizing and reacting appropriately to enhanced or reduced levels of threat.
    - (1) Officers are to assess the particular incident to determine which response option would best defuse the situation and bring it under control.
  - b. An officer may use only that physical force that the officer reasonably and actually believes is necessary to effectively bring an incident under control while protecting the officer or another person.
    - (1) Such force may include, but not be limited to, the use of an electronic control device and less-than-lethal munitions, to the extent applicable and appropriate.
- 3. Officers shall be generally familiar with the following provisions of law:

- a. 17-A MRSA sec. 106, Physical force by persons with special responsibilities (see specifically subsection 6 of section 106);
  - b. 17-A MRSA sec. 107, Physical force in law enforcement;
  - c. 17-A MRSA sec. 108, Physical force in defense of a person; and
  - d. 17-A MRSA sec. 110, Threat to use deadly force against a law enforcement officer.
4. While on duty, Maine State Police officers shall carry only agency-issued or agency-approved weapons, and are to be trained in the use of those weapons prior to carrying or using them.

#### B. USE OF NONDEADLY FORCE

1. A law enforcement officer is justified in using a reasonable degree of non-deadly force upon another person:
  - a. When and to the extent that the officer reasonably believes it necessary to effect an arrest or a detention, or to prevent the escape from custody of an arrested person, unless the officer knows that the arrest or detention is illegal;
  - b. To defend himself or herself or a third party from what the officer reasonably believes to be the imminent use of unlawful non-deadly force encountered while attempting to effect such an arrest or while seeking to prevent such an escape; or
  - c. To defend himself or herself or a third party from what the officer reasonably believes to be the imminent use of unlawful, nondeadly force and the officer reasonably believes that the officer's use of nondeadly force is necessary.

[See subsection 1 of Title 17-A - §107. Physical force in law enforcement]

2. An officer or another individual responsible for the custody, care or treatment of persons confined in a facility pursuant to an order of a court or as a result of an arrest, is justified in using a reasonable degree of non-deadly force when and to the extent the officer or the individual reasonably believes it necessary to prevent any escape from custody or to enforce

the rules of the facility. [See subsection 5 of Title 17-A - §107. Physical force in law enforcement]

C. REPORTING USE OF NON-DEADLY FORCE

1. When an officer uses non-deadly force other than compliant handcuffing to effect an arrest, the officer must report the use of force on the Maine State Police Use of Force Report form.
  - a. All applicable areas of the form must be completed, and the form, signed by the officer who used non-deadly force.
  - b. The form must then be submitted to and reviewed and approved by the officer's direct supervisor.
    - (1) Such approval must be indicated in writing.
  - c. Once the report is approved by the officer's direct supervisor, the direct supervisor shall forward the report to the Commanding Officer of the Troop or Unit of jurisdiction, for review and approval.
    - (1) Such approval **must** be indicated with the written signature of the Commanding Officer.

**NOTE: The Troop Commander's approval of the report indicates (1) that, given the circumstances of the incident, the use of force was justified, and (2) the report is complete and thorough.**

- d. Once the report is approved by the Commanding Officer of the Troop or Unit of jurisdiction, he or she shall scan the report, and then forward a copy of the report to the Maine State Police Training Unit.
  - (1) The Training Unit shall review and assess the report to determine whether -- and, if so, how -- any aspects of training need to be improved;
    - (A) After the Training Unit's review of the report is completed, the Commanding Officer of the Training Unit shall sign the report, create a scanned copy of it,

and then forward the report to the Office of Professional Standards.

- (B) The Office of Professional Standards then will file the report in IAPro for reporting purposes.

**NOTE: If any violations of law, violations of Maine State Police policy, or acts of misconduct are discovered during the course of the review and approval process discussed in this subparagraph "a," such violations and/or acts of misconduct must be promptly reported to the Office of Professional Standards.**

**The Use of Force Report required by this paragraph must be approved and submitted to the Maine State Police Training Unit within seventy-two (72) hours after the incident in which non-deadly force was used.**

D. USE OF DEADLY FORCE

1. A law enforcement officer is justified in using deadly force only when the officer reasonably believes such force is necessary:
  - a. To defend himself or herself or a third party from what the officer reasonably believes is the imminent use of unlawful deadly force; or
  - b. To effect an arrest or prevent the escape from arrest of a person when the law enforcement officer reasonably believes that the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to endanger seriously human life or to inflict serious bodily injury unless apprehended without delay; and
    - (1) The law enforcement officer has made reasonable efforts to advise the person that the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest and the officer has reasonable grounds

to believe that the person is aware of this advice; or

- (2) The law enforcement officer reasonably believes that the person to be arrested otherwise knows that the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest.

For purposes of this subsection, "a reasonable belief that another has committed a crime involving use or threatened use of deadly force" means such reasonable belief in facts, circumstances and the law which, if true, would constitute such an offense by that person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to make an arrest or prevent an escape.

[See subsection 2 of Title 17-A - §107. Physical force in law enforcement]

2. A corrections officer, corrections supervisor or law enforcement officer in a facility where persons are confined, pursuant to an order of a court or as a result of an arrest, is justified in using deadly force against such persons under the circumstances described in section (1)(B)(1), above. [See subsection 5 of Title 17-A - §107. Physical force in law enforcement]
3. A corrections officer, corrections supervisor or law enforcement officer is justified in using deadly force against a person confined in the Maine State Prison when the officer or supervisor reasonably believes that deadly force is necessary to prevent an escape from custody. The officer or supervisor shall make reasonable efforts to advise the person that if the attempt to escape does not stop immediately, deadly force will be used. This justification, however, does not authorize any corrections officer, corrections supervisor or law enforcement officer who is not employed by a state agency to use deadly force. [See subsection 5-A of Title 17-A - §107. Physical force in law enforcement]

## E. USE OF FIREARMS

1. In addition to circumstances in which use of a firearm is lawful pursuant to Maine laws and Maine State Police policy, an officer may discharge a firearm under the following circumstances:
  - a. During training;
  - b. During range practice or qualification;
  - c. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where an animal is seriously injured.
    - (1) To the extent practical, an officer is to make reasonable efforts to locate and inform the owner of a domesticated animal of the animal's injury prior to euthanizing the animal;
  - d. To test fire a firearm; or
  - e. To disable an inanimate object.
    - (1) Example: Shooting a streetlight to darken an area for the safety of the officer.

2. An officer is to adhere to the following restrictions when the officer exhibits or uses a firearm:
  - a. An officer shall not draw or exhibit a firearm unless the officer reasonably believes that it may be necessary to use the weapon in conformance with Maine laws and Maine State Police policy.
  - b. An officer shall not fire a warning shot.
  - c. An officer shall not discharge a firearm when doing so would create a substantial risk that an innocent person may be injured.
  - d. An officer shall not discharge a firearm in the direction of another person or at a moving vehicle unless the use of deadly force is justified.
  - e. An officer shall not discharge a firearm at a fleeing person unless the use of deadly force is justified.

2. RESPONSES TO AND REVIEW OF NONDEADLY FORCE AND DEADLY FORCE INCIDENTS

A. RESPONSE TO NONDEADLY FORCE INCIDENTS

1. An officer is to immediately notify his or her immediate supervisor if:
  - a. The officer causes bodily injury to any person;
  - b. A person complains that bodily injury was inflicted by the officer; or
  - c. An accidental discharge of the officer's firearm occurs;

*UNLESS* the officer is injured and cannot make such notification, or exigent circumstances exist that would make such immediate notification unreasonable or impractical. In either such instance, notification is to be made as soon as possible.

2. The immediate supervisor is to respond and document any response made to a non-deadly force incident.
  - a. The documentation is to include the following:
    - (1) The date and location of the incident;
    - (2) The name of the officer involved;
    - (3) The name of the person or persons on whom non-deadly force was allegedly used;
    - (4) The general circumstances surrounding the incident;
    - (5) Photographs and witness statements, to the extent warranted; and
    - (6) The specific type and degree of force used.
3. The immediate supervisor is to notify the Maine State Police Office of Professional Standards if:
  - a. A citizen makes a complaint against an officer involved in the incident; or
  - b. The immediate supervisor thinks an officer involved in the incident may have:
    - (1) Engaged in misconduct;
    - (2) Violated any law; or
    - (3) Violated any Maine State Police policy.

## B. RESPONSE TO DEADLY FORCE INCIDENTS

1. An officer is to immediately notify his or her immediate supervisor if:

- a. The officer uses deadly force;
- b. The officer's use of either deadly or non-deadly force causes the death of, or serious bodily injury to, a person; or
- c. An accidental discharge causes the death of, or serious bodily injury to, a person;

*UNLESS* the officer is injured and cannot make such notification, or exigent circumstances exist that make such immediate notification unreasonable or impractical. In either of such instances, notification is to be made as soon as possible.

If possible, the officer is to ensure that the scene of the incident is secured. Officers and civilians who are not administering medical attention or securing evidence prior to the arrival of investigators are to be kept out of the scene.

2. Once the immediate supervisor of the officer involved in the incident has been notified pursuant this policy, the immediate supervisor is to ensure that the following persons and offices are notified as soon as possible:
  - a. The Troop Officer of the Day;
  - b. The Officer of the Day;
  - c. The Department of the Attorney General;
  - d. The Major Crimes Unit Officer of the Day;
  - e. His or her respective Major, who is to notify the Maine State Police Command Staff; and
  - f. The State Medical Examiner's Office, if the death of any person occurred during the incident.
3. The immediate supervisor is to promptly respond to the scene of the deadly force incident and, with respect to the officer who used deadly force:
  - a. Ensure that the officer is cared for and that he or she receives any necessary medical treatment;
  - b. Briefly meet with the officer.
    - (1) The immediate supervisor may ask appropriate, preliminary questions about the incident.

- (2) The immediate supervisor is to inform the officer of which agencies (i.e., the Department of the Attorney General and a Major Crimes Unit, and, possibly, the Office of Professional Standards) may be involved in the investigation of the incident and for what purpose.
- (3) The immediate supervisor is to advise the officer not to discuss the deadly force incident with non-investigative personnel, civilians, or the media.
  - (A) In addition to Maine State Police personnel investigating the incident, the officer may discuss the incident with the officer's personal lawyer, a physician, a psychotherapist, a member of the clergy, and/or MSTA or MSEA representatives, as applicable;
- c. Make arrangements for the officer to be taken to an area that is away from the immediate scene of the deadly force incident, but close enough for the officer to be contacted by persons investigating the incident so that basic information about the incident may be ascertained from the officer;
- d. Assign a second officer to remain with the officer;
  - (1) The supervisor is to advise the second officer to be supportive but not to discuss details of the incident;
- e. In a case in which the officer used his or her duty weapon, take the officer's duty weapon away for laboratory analysis.
  - (1) When a duty weapon is taken, the immediate supervisor is to:
    - (A) Take custody of the weapon in a discrete manner; and
    - (B) Replace it with another weapon, if appropriate;

- f. Ensure that the officer is given the opportunity to notify the officer's immediate family about the incident as soon as possible.
    - (1) If an officer is personally unable to do so because of, e.g., injury, the immediate supervisor is to ensure that another person notifies the immediate family in person and arranges for their transportation to the officer's location; and
  - g. Generally work with the officer in a manner that acknowledges the stress caused by the incident.
- 4. The Major Crimes Unit of jurisdiction is to conduct an investigation of the facts and circumstances surrounding any deadly force incident, and is to assume responsibility for any case relating to the incident that involves any party or parties other than the involved officer.
  - 5. An officer who has either used deadly force or caused -- whether intentionally or accidentally -- the death of, or serious bodily injury to, a person, may be placed on administrative leave with pay following the incident.
  - 6. The officer who exercised deadly force is to remain available for the Maine State Police's and the Department of Attorney General's respective investigations of the incident.
    - a. An officer placed on administrative leave pursuant this policy may return to active duty after:
      - (1) The Colonel has authorized the officer's return to duty after having considered the facts then-known of the incident;
      - (2) If the incident involved the discharge of a firearm, the officer re-qualifies with the type of firearm used in the incident; and
      - (3) The officer has conferred with a mental health professional selected by the Maine State Police, and the mental health professional has approved the officer's return to active duty status.
        - (A) If the decision of the mental health professional regarding the officer's fitness to return to active duty status is

doubted by the Maine State Police, then the officer may be required by the Maine State Police to confer with a different mental health professional selected by the Maine State Police.

- b. An officer subject to an investigation by the Department of the Attorney General pursuant to this policy is to be informed that that department will release the officer's name.
- c. All public inquiries, including media inquiries, regarding a deadly force incident are to be referred to the Department of the Attorney General.

- (1) An officer who has been placed on administrative leave pursuant to this policy shall not respond to inquiries from, or initiate contact with, the public -- including the media - - regarding the incident.

- 7. While an officer is on administrative leave pursuant to this policy, the Commanding Officer of the Maine State Police unit to which the officer belongs is to ensure that contact is made with the officer by the Commanding Officer, or designee, at least weekly to keep the officer generally apprised of the status of any investigations of the incident that are occurring and to gauge the well-being of the officer.

- a. Each time such contact is made with the officer, that contact is to be documented.

- (1) The documentation is to state the date and time when the officer was contacted.

- (2) Such documentation is to be retained by the Troop as a personnel record.

C. RETURN TO DUTY OF AN OFFICER INVOLVED IN A DEADLY FORCE INCIDENT

- 1. The psychological and emotional effects of an incident in which deadly force was used by or against an officer may not arise immediately, or be immediately apparent, in the officer.

- a. Accordingly, once an officer who was involved in a deadly force incident returns to duty, the immediate

supervisor of the officer is to remain duly vigilant of whether the officer's job performance is being adversely affected as a result of having been involved in the deadly force incident.

2. The Commanding Officer of the Maine State Police unit to which an officer who was involved in a deadly force incident belongs is to make the officer aware of the availability of counseling services.
3. If a Commanding Officer has any concern about the well-being of the officer who was involved in the deadly force incident, the Commanding Officer is to inform the Lt. Colonel or the Office of Professional Standards about such concern.
4. Six to nine months following his or her return to duty, the officer involved in the deadly force incident shall be re-evaluated by a mental health professional selected by the Maine State Police to ensure that the officer remains fit for duty.
  - a. If the decision of the mental health professional regarding the officer's fitness to remain on active duty status is doubted by the Maine State Police, then the officer may be required by the Maine State Police to confer with a different mental health professional selected by the Maine State Police.

#### D. INTERNAL REVIEW OF DEADLY FORCE INCIDENTS

1. When a deadly force incident has occurred, the Colonel is to appoint an Incident Review Team (IRT). The IRT is to consist of three (3) Lieutenants and a member of the public who is not and has not previously served as a sworn law enforcement officer.
  - a. A non-Maine State Police, Maine certified law enforcement officer also may be appointed to any given IRT.
2. With respect to the incident, the IRT is to:
  - a. Review the available facts of the incident;
  - b. Evaluate the general effectiveness of Maine State Police policies relevant to the incident; and

- c. Evaluate the general effectiveness of any training and equipment relevant to the incident.
3. In conducting its work, the IRT is to abide by any applicable contractual provisions regarding officers' contractual rights.
4. If as part of its work the IRT interviews an officer who used deadly force, the IRT shall only inquire as to the following:
  - a. The adequacy of applicable Maine State Police policies relevant to the incident;
  - b. The adequacy of training relevant to the incident; and
  - c. The adequacy of equipment relevant to the incident.

**NOTE: Prior to interviewing an officer who used deadly force, the IRT shall contact the Office of Professional Standards to coordinate the IRT's work with any investigation that is being conducted or might be conducted by the Office of Professional Standards.**

5. If an Office of Professional Standards investigation or criminal investigation is being conducted with respect to a deadly force incident, unless the Colonel directs otherwise, the IRT shall not initiate its work until such time that any such investigations, and any administrative action or prosecution resulting therefrom, has concluded.
6. If at any time during its work, the IRT determines that misconduct may have occurred, or that any law or Maine State Police policy may have been violated by any officer involved in the incident, the IRT is to notify the Office of Professional Standards of that determination and discontinue its work until such time that any Office of Professional Standards investigation that is initiated has concluded.
7. The IRT is to issue a written report of the team's findings; however, the team may brief the Colonel on the team's work at any time before the final written report is issued.
  - a. In composing the final written report, the IRT is to ensure that information that is protected under applicable law (including, but not limited to, the Maine Intelligence and Investigative Record Information Act (16 MRSA c. 9), 5 MRSA sec. 7070, and 5 MRSA sec. 7070-A), is excluded from the report.

- b. A copy of each finalized written report must be forwarded to the Lt. Colonel, both Majors, and the Office of Professional Standards Lieutenant.
  - (1) The Office of Professional Standards shall maintain a paper or electronic library of such reports for historical and future reference.
    - (A) The library shall be maintained by the Office of Professional Standards in such a manner to ensure that any given report is reasonably readily-accessible.
- 8. The Majors are responsible for ensuring that any follow up work that is necessary to implement the IRT's recommendations occurs in a timely manner.

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



# Maine State Police

# Use of Force Report

## Section I – Incident Information

Trooper: \_\_\_\_\_ Date: \_\_\_\_\_  
 Supervisor: \_\_\_\_\_ Case #: \_\_\_\_\_  
 Time of Incident: \_\_\_\_\_ Inside  Outside   
 Weather: \_\_\_\_\_ Lighting: Natural  Artificial   
 Incident Location: \_\_\_\_\_  
 Nature of Initial Call (OUI;DV Assault, etc.): \_\_\_\_\_

## Section II – Subject Information

Subject Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_ Gender: Male  Female   
 Known Prior Arrest: \_\_\_\_\_ Telephone Numbers: \_\_\_\_\_

## Section III – Reason for Use of Force

Check all that apply:

To Affect a Felony Arrest      To Defend Self      To Restrain for Subject's Safety (Protective Custody)  
To Defend another Officer      To Defend another Person      To Effect an Investigative Detention  
To Affect an Arrest      Other: \_\_\_\_\_

## Section IV – Injury

Was the Subject Injured or Complain of Injury: \_\_\_\_\_  
 Was the Injury Visible: \_\_\_\_\_ If not, how was the injury determined (Subject Statement/Medical: \_\_\_\_\_  
 Treated at Scene by: Law Enforcement      Medical Personnel      Other: \_\_\_\_\_  
 Supervisor Responding to Scene if Subject Injured: \_\_\_\_\_  
 Supervisor Notified: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Photographs Taken: Yes      No      If No, Explain: \_\_\_\_\_  
 Transported to: \_\_\_\_\_



# Maine State Police

# Use of Force Report

Transported by:

Physician or Nurse:

Describe Subjects Injury(s):

Subject Refused Medical Attention

Injuries to Trooper:  Yes  No

Describe Trooper's Injury(s):

Number of Subjects that Resisted:

Number of Troopers or Officers Present:

## Section V – Other Troopers or Officers Involved

Name: Agency: Telephone:

Name: Agency: Telephone:

Name: Agency: Telephone:

Name: Agency: Telephone:

## Section VI - Witnesses

Name and DOB: Address: Telephone:

## Section VII – Subject at Time of Arrest

Using Alcohol

Using Drugs

Mental Health Crisis

Other (Describe):



# Maine State Police

# Use of Force Report

## Section VIII – Resistance from the Subject

Psychological Intimidation (Non-Verbal Cues Indicating the Subject's Attitude or Physical Readiness)

Describe:

Verbal Non-Compliance (Verbal Responses or Threats of Non-Compliance Contrary to Trooper's Directives)

Describe:

Passive Resistance (Dead Weight or Clinging to Objects in an Attempt to Prevent Trooper's Control)

Describe:

Active Resistance (Pushing or Pulling Away to Prevent Trooper's Control but not Harming Trooper)

Describe:

Assaultive: (Physical Assault to Trooper or another Person)

Describe:

## Section IX – Situational Use of Force by Trooper

Trooper Presence in Uniform

Trooper Presence in Plain Clothes after Identification has been Announced

Verbal Directives: Did Suspect Comply:  Yes  No

Empty Hand Controls (i.e. Control and Techniques)

OC Spray Used      Number of Sprays on Target      Approximate Distance

Chemical Munitions Used     CS     OC    Number and type of munitions deployed

Personal Impact Weapons (i.e. Strikes)

Baton Anatomical Use (Arm Locks or other Non-Strikes)

Baton Strikes    Area(s) Targeted:

K9 Deployment (Bite)

CEW Use

Taser Serial Number:

Air Cartridge Serial Number:



# Maine State Police

# Use of Force Report

Type of Target:  Human  Animal (Type):

Success  Failure

Subject Clothing:  Heavy  Loose

If the CEW Deployment was Unsuccessful, was a Drive Stun follow-up used:  Yes  No

Number of Cartridges Fired:      Number of Cycles Applied:

Usage (check one):  Arc Display Only  Laser Display Only  CEW Application

Was this a Probe Contact:      Was this a Drive Stun Contact:

Approximate Target Distance at Time of Dart Launch:      Distance between Probes:

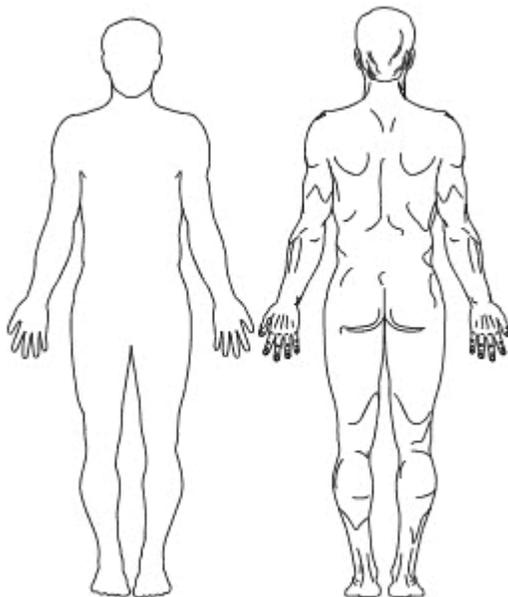
Probes Removed on Scene:  Yes  No

Did the CEW Application Cause Injury:  Yes  No

If Yes, Was the Subject Treated for Injury:  Yes  No  If no, why not:

Application Areas: Place "X's" where the probes or baton hit Subject and "O's" where Drive Stunned

|



Describe Application Areas:



# Maine State Police

# Use of Force Report

Other Use of Force Explanation:

Was the Subject Controlled/Incapacitated:  Yes  No If No, Please Explain:

### Section X – Restraint Methods

Handcuffed in Back  Handcuffs Double Locked  Proper Fit Checked

Did Subject Resist the Entire Encounter:  Yes  No

### Section XI – Approximate Time to Compliance

Immediately following Control Technique

15 Minutes or Less following Control Technique

15-30 Minutes following Control Technique

### Section XII – Synopsis and Enclosures

Synopsis:

Attachments (Check all that Apply):

Investigative Report(s)  Written Statement(s)  Photograph(s)

Affidavit  Audio Recording(s) of Statements

Video Recording(s) (if none, Submit Memo via COC with Explanation)

Audio Recording(s) (if none, Submit Memo via COC with Explanation)

Supplemental Report(s)

Other (Explain):

### Section XIII - Signatures

Trooper Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Commanding Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Training Commander Approval: \_\_\_\_\_ Date: \_\_\_\_\_



# Maine State Police

# Use of Force Report



## MAINE STATE POLICE GENERAL ORDER

### M-3

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING RESPONSE TO INCIDENTS INVOLVING INDIVIDUALS EXPERIENCING ACUTE MENTAL HEALTH CRISES

**EFFECTIVE DATE:** 08.28.2019

**RECENT HISTORY:** AMENDED (08.28.2019); AMENDED (06.07.2017); AMENDED (03.09.2016); AMENDED (10.17.2014); REVISES MSP GO M-3 (05.25.2010); TITLE CORRECTED, DATES IN TITLE SECTION REFORMATTED (09.04.2008); RESCINDS S.O. 95-9 (12.15.1998)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding response to incidents involving individuals who are or may be experiencing acute mental health crises.

*Note: Because this is a statutorily-mandated policy, officers shall abide by the policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.*

#### II. POLICY

1. The policy of the Maine State Police is to assist individuals who are or may be experiencing acute mental health crises, including, but not limited to, by placing such individuals in protective custody and – when determined by a qualified, licensed clinician to be medically necessary – ensuring that the individuals are involuntary committed to a health care facility so they can receive treatment.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Acute mental health crisis. "Acute mental health crisis" means behavior – such as loss of contact with reality, extreme agitation, severe depression, imminent suicidal or homicidal statements or actions, or an inability to control actions – that creates a threat of imminent and substantial physical harm to the individual engaged in the behavior or to others, and that appears to be of sufficient severity to require a professional mental health evaluation.
  - B. Advanced healthcare directive. "Advance healthcare directive" means a written instruction from, or a written power of attorney for health care by, an individual with capacity for use when the individual in fact lacks, or objectively seems to lack, capacity.
  - C. Capacity. "Capacity" means healthy, lucid cognitive understanding and awareness.
  - D. Crisis Intervention Officer. "Crisis Intervention Officer" means an officer trained to identify and assist an individual who is or may be experiencing an acute mental health crisis.
  - E. Crisis Intervention Team. "Crisis Intervention Team" means group of Crisis Intervention Officers.
  - F. Crisis Service System. "Crisis Service System" means a program of the Maine Department of Health and Human Services ("DHHS") that provides mobile crisis services anywhere in the State of Maine on a twenty-four-hour, seven-days-a-week basis.
    1. The Crisis Service System may be contacted by telephone by dialing 2-1-1.
  - G. Involuntary commitment process. "Involuntary commitment process" (often informally referenced as the "Blue Paper" process) means the three-step emergency process by which:
    1. STEP ONE: Using an Application for Emergency Involuntary Admission to a Mental Hospital, MH-100 Form, a person (as examples, a friend, relative, social services worker, or law enforcement officer) applies for the involuntary admission to a mental health treatment facility of an individual who there is probable cause to think is experiencing an acute mental health crisis;
    2. STEP TWO: A licensed, qualified clinician is presented with the Application for Emergency Involuntary Admission to a Mental

Hospital, MH-100 Form completed in STEP ONE and evaluates the individual identified in the form; and

3. STEP THREE: If the licensed, qualified clinician certifies on the Application for Emergency Involuntary Admission to a Mental Hospital, MH-100 Form that the individual identified in the form is experiencing an acute mental health crisis and poses a likelihood of harm to her- or himself or others, then a judicial officer reviews the form and, if he or she determines it to be appropriate, endorses the form.

The three steps listed above are reflected on sections 1, 2, and 3 of the Application for Emergency Involuntary Admission to a Mental Hospital, MH-100 Form.

- H. Least restrictive form of transportation. "Least restrictive form of transportation" means the vehicle used for transportation and any restraining devices that may be used during transportation that impose the least amount of restriction, taking into consideration the potentially stigmatizing impact upon the individual being transported.
- I. Probable cause. "Probable cause" means the basis of a law enforcement officer's judgment about the appropriateness of taking an individual into protective custody.
  1. The officer's judgment must take into account totality of the circumstances of each given situation, following applicable, accepted professional standards, and include consideration of the following:
    - a. The officer's personal observations of the individual alleged or thought to be experiencing an acute mental health crisis;
    - b. Reliable information provided by third parties, as long as the officer has confirmed that the third parties have reason to believe – based on recent personal observations or conversations with the individual alleged or thought to be experiencing an acute mental health crisis – that the individual may be experiencing an acute mental health crisis and that, due to that circumstance, the individual presents a threat of imminent and substantial physical harm to her- or himself or others; and
    - c. The health history, if known, of the individual alleged or thought to be experiencing an acute mental health crisis.
- J. Protective custody. "Protective custody" means custody taken by a law enforcement officer either:
  1. When the officer has determined that there is probable cause to believe that an individual is experiencing an acute mental health crisis and that, due to that circumstance, the individual presents a

- threat of immediate and substantial physical harm to her- or himself or others; or
2. When the officer knows that an individual has an advance healthcare directive authorizing mental health treatment, and the officer has probable cause to believe that the individual lacks capacity such that the applicable terms of the advance healthcare directive are to be given effect.
- K. Threat of imminent and substantial physical harm. "Threat of imminent and substantial physical harm" means a reasonably foreseeable risk of harm to someone, taking into consideration the immediacy of the potential harm, the seriousness of the potential harm, and the likelihood that harm will occur.
1. Threatened harm may include:
    - a. Threat of suicide or serious self-injury;
    - b. Threat of homicide or injury to another person;
    - c. Violent behavior;
    - d. Placing others in reasonable fear of serious physical harm;
    - e. Reasonable certainty of severe impairment or injury because an individual is unable to avoid harm or protect her- or himself from harm.

## II. PROCEDURE

### 1. GENERALLY

- A. Maine State Police officers shall be generally familiar with the following provisions of law:
1. 34-B MRSA § 3862, "Protective Custody";
  2. 34-B MRSA § 3863, "Emergency procedure"; and
  3. 34-B MRSA § 3864, "Judicial procedure and commitment".
- B. Maine State Police officers shall duly assess situations involving individuals who are or may be experiencing acute mental health crises and determine the appropriate action to take.
1. If an individual is or may be experiencing an acute mental health crisis, then the officer shall determine whether the individual needs to be taken into protective custody, provided that the individual is unwilling to accept immediate voluntary commitment to a mental health treatment facility.

- a. In making this assessment, the officer may consult with a Crisis Intervention Team, Crisis Intervention Officer, or a DHHS State Crisis Service.
  2. If an officer determines that taking an individual into protective custody is **not** warranted, then the officer may refer the individual to a medical or mental health practitioner, and provide the contact information for such if available; leave the individual in the care of friends, relatives, or medical service providers; and/or take other steps necessary to maintain public safety.
    - a. Resources to which the individual might be referred include:
      - (1) Local mental health agencies;
      - (2) Local hospitals with voluntary inpatient capacity;
      - (3) Regional DHHS staff;
      - (4) Licensed mental health professional in private practice, with contact information if available;
      - (5) Local DHHS contract crisis providers.
        - (A) Call toll free (**1-888-568-1112**) to connect with the local DHHS contract crisis provider.
        - (B) *See also Maine DHHS - Hotlines/Crisis Numbers - Maine.gov*
- C. Officers are responsible for assessing the difference between criminal conduct and non-criminal conduct as it relates to individuals who are or may be experiencing an acute mental health crisis.
1. If, in accordance with this policy, a determination is made by an officer that taking an individual into protective custody **is** warranted, and that individual has committed a criminal act, and therefore may be subject to a warrantless arrest pursuant to 17-A MRSA § 15, "Warrantless arrests by a law enforcement officer", then the officer shall determine the most appropriate confinement condition to satisfy the protection of the individual and the public, and to ensure that individual receives appropriate medical treatment.
    - a. In making that determination, the officer may consult with a CIT, CIS, DHHS, and, when applicable, the licensed, qualified clinician involved in the involuntary commitment process.

2. PROTECTIVE CUSTODY

- A. If an officer determines that taking an individual into protective custody **is** warranted, then the officer may take the individual into custody and either:
1. Bring the individual for an evaluation by a licensed, qualified clinician pursuant to the second step of the involuntary commitment process; or
  2. If the individual has an advance healthcare directive, then pursuant to the applicable terms of that directive.
- B. The officer shall fill out the “[State of Maine Protective Custody Intake Form](#)” and, when applicable, provide it to the clinician evaluating the individual.
1. The officer shall retain a copy of the form, or – if necessary – shall later obtain a copy of the form, for inclusion in *Spillman*.

3. INVOLUNTARY COMMITMENT PROCESS

- A. If the licensed, qualified clinician evaluating an individual as part of the involuntary commitment process determines that the individual **does not satisfy** the criteria for involuntary commitment, or that the individual **does not lack capacity** such that the individual’s advance healthcare directive would be given effect, then the officer shall release the individual who was taken into protective custody from such custody and, with that individual’s consent, either:
1. Take the individual to her or his residence (if that is in the officer’s jurisdiction); or
  2. Return the individual to the location from which the individual was taken into protective custody –

**EXCEPT** that, if the individual who was taken into protective custody and then released from such custody also is under arrest, then the officer shall keep the individual in custody until he or she is released in accordance with applicable law.

- B. If the licensed, qualified clinician evaluating an individual as part of the involuntary commitment process determines that the individual **does satisfy** criteria for involuntary commitment, then the officer who presented the individual to the clinician shall secure a judicial endorsement of the application form as soon as possible, and then shall transport (or cause to be transported) the individual to the mental health treatment facility authorized or specified by the endorsing judicial officer.

1. Such transport must occur with the use of the least-restrictive form of transportation.
4. BILLING
    - A. The Maine State Police shall bill appropriate agencies for transportation-related expenses pursuant to 34-B MRSA § 3863, sub-§ 4, “Custody and transportation”.
      1. The total cost for such expenses must include mileage and the hourly rate of each officer involved in the transport, including fringe benefits.
5. REPORTING
    - A. If an officer responding to an incident involving an individual who is or may be experiencing an acute mental health crisis takes any action, then the officer shall document such action in an incident report.
      1. If the officer takes the individual into protective custody, then the report must sufficiently state in her or his report the basis – i.e., the probable cause – for having done so.
6. ANNUAL TRAINING & REPORTING
    - A. Each year, at least twenty percent (20%) of all full-time Maine State Police officers shall receive at least eight (8) hours of nationally-recognized or best-practice, in-person training in Mental Health Identification Awareness for Law Enforcement Officers.
    - B. As part of the agency's annual reporting requirements made to the Maine Criminal Justice Academy, the Maine State Police shall report the status of its compliance with this section 6.

**ATTACHMENTS:**

**Application for Emergency Involuntary Admission to a Mental Hospital, MH-100 Form**

**State of Maine Protective Custody Intake Form**

**Maine DHHS - Hotlines/Crisis Numbers - Maine.gov**

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

**STATE OF MAINE "BLUE PAPER":  
APPLICATION FOR EMERGENCY INVOLUNTARY ADMISSION TO A PSYCHIATRIC HOSPITAL**

**1. Application.**

I hereby apply for emergency admission of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Proposed patient's FULL printed name (first, middle, last) gender date of birth  
to \_\_\_\_\_ under 34-B M.R.S.A. § 3863. I believe that the proposed patient has a  
Psychiatric hospital  
**mental illness** because \_\_\_\_\_, and as a result poses a  
Grounds for belief about **mental illness**  
**likelihood of serious harm** because \_\_\_\_\_.  
Grounds for belief about **likely harm, including nature of harm**

\_\_\_\_\_  
Date Applicant's printed name Applicant's signature Applicant's capacity

Name and address of proposed patient's guardian, spouse, parent, adult child, next of kin, or friend:  
\_\_\_\_\_

**2. Certifying Examination.** I hereby certify that:

(i) I am a licensed \_\_\_\_\_ and that I examined \_\_\_\_\_ today.  
MD/DO/PhD/PA/NP/RN,CS Proposed patient

(ii) My opinion is that the proposed patient has a mental illness, exhibiting the following **symptoms**:

(iii) My opinion is that the proposed patient's **recent actions and behaviors** (not symptoms), described below, show that the proposed patient's illness poses a likelihood of serious harm under paragraph A, B or C.

- A. Describe threats of or attempts at suicide or serious self-inflicted harm
- B. Describe recent homicidal or violent behavior or recent conduct placing others in reasonable fear of serious physical harm
- C. Describe recent behavior and how it shows inability to avoid risk or protect self from severe physical or mental harm

(iv) I have confirmed that adequate community resources are unavailable for care and treatment of the proposed patient's mental illness.

(v) I believe that the least restrictive form of transportation for the proposed patient's clinical needs is

\_\_\_\_\_  
Ambulance or other (please specify)

\_\_\_\_\_  
Date Time Examiner's printed name Examiner's signature

**3. Judicial Review and Endorsement.**

I find this application and certificate to be regular and in accordance with law. The proposed patient may be admitted to \_\_\_\_\_.  
Psychiatric hospital

\_\_\_\_\_ is authorized to take the proposed patient into custody and transport  
Person authorized to take proposed patient into custody

the proposed patient to that hospital.

\_\_\_\_\_  
Date Time Judicial officer's printed name Judicial officer's signature (District, Probate or Superior Court Judge or Justice; Justice of the Peace)

## INSTRUCTIONS

### Generally

- A. The application cannot be altered after it has been signed by an examiner or judicial officer.
- B. A psychiatric hospital is any hospital that is equipped to provide inpatient care and treatment for people with mental illness.
- C. The psychiatric hospital named in the application may decline to admit the person, in which event the transporting agency must return the proposed patient from the hospital.
- D. The application expires 3 days after the patient's admission to the hospital, except that if the third day is a weekend or holiday, the application expires on the next business day following the weekend or holiday.

### Section 1

- A. Any health officer, law enforcement officer or other person may fill out section 1.
- B. The applicant should provide name and address of the proposed patient's guardian, spouse, parent, adult, next of kin, or (if none of those exists) friend so that the hospital can fulfill its obligation to notify that person.

### Section 2

- A. The certifying examination must take place no more than two days before the person is admitted to the hospital.
- B. The certifying examiner must describe both **symptoms of mental illness** and **actions or behaviors creating a likelihood of serious harm**. The three boxes in subsection (iii) pertain to the three statutory bases for the finding of likelihood of serious harm. The certifying examiner must check at least one box and provide the narrative information about actions or behaviors to support the opinion that the person's mental illness creates a likelihood of harm.
- C. The grounds for the opinion about illness and harm may be based on personal observation or on history and information from other sources considered reliable by the examiner.
- D. If patient does not require transportation, subsection (v) may be noted as N/A.

### Section 3

- A. Between 11:00 p.m. and 7:00 a.m., a proposed patient may be transported to the psychiatric hospital designated in section 3 and held for evaluation and treatment pending judicial endorsement if the endorsement is obtained as soon as possible outside those hours.
- B. The applicant must fill in the name of the transporter and the destination hospital before seeking judicial endorsement.

## State of Maine Protective Custody Intake Form

<b>SUBJECT NAME</b>	<b>DOB</b>	<b>CASE #</b>	
<b>ADDRESS</b>	<b>TOWN</b>	<b>DATE/TIME OF INCIDENT</b>	
<b>LOCATION OF INCIDENT</b>	<b>POLICE DEPARTMENT</b>	<b>OFFICER NAME</b>	
<b>MEDICAL FACILITY NAME</b>	<b>DOCTOR NAME</b>		
<b>MENTAL ILLNESS</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	<b>Prior LE Contacts</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
<b>KNOWN DIAGNOSIS</b>	Depression <input type="checkbox"/> Bipolar <input type="checkbox"/> Anxiety/Panic <input type="checkbox"/> PTSD <input type="checkbox"/> Substance Dependence <input type="checkbox"/> Mental Retardation <input type="checkbox"/> Schizophrenia <input type="checkbox"/> Other Unknown <input type="checkbox"/>	<b>PENDING CRIM. CHARGES</b>	No <input type="checkbox"/> Yes <input type="checkbox"/> List _____
<b>THREAT ASSESSMENT</b>	None <input type="checkbox"/> Suicide Threat <input type="checkbox"/> Suicide Attempt <input type="checkbox"/> Threat/Harm to Others <input type="checkbox"/> Threat/Harm to Police <input type="checkbox"/> Threat/Harm to Family <input type="checkbox"/> Threat/Harm to Medical Staff <input type="checkbox"/> Expressed Hopelessness <input type="checkbox"/>	<b>INJURIES</b>	Self Injury <input type="checkbox"/> Bystander Injury <input type="checkbox"/> Police Injury <input type="checkbox"/> Relative Injury <input type="checkbox"/> Medical/EMS Injury <input type="checkbox"/> Hospitalized <input type="checkbox"/> Not Hospitalized <input type="checkbox"/>
<b>SUBSTANCE ABUSE</b>	Alcohol <input type="checkbox"/> Marijuana <input type="checkbox"/> Cocaine/Crack <input type="checkbox"/> Methadone <input type="checkbox"/> Prescription Med's <input type="checkbox"/> Heroin <input type="checkbox"/> Other <input type="checkbox"/>	<b>WEAPON/METHOD</b>	Firearm <input type="checkbox"/> Edged Weapon <input type="checkbox"/> Overdose <input type="checkbox"/> Hanging <input type="checkbox"/> Jumping <input type="checkbox"/> Police <input type="checkbox"/> Traffic <input type="checkbox"/> Other <input type="checkbox"/>
<b>BEHAVIOR SIGNS AND/OR INDICATORS</b>	Intoxicated/Impaired <input type="checkbox"/> Threats to Self <input type="checkbox"/> Threat to Others <input type="checkbox"/> Confused Speech <input type="checkbox"/> Irrational Statements <input type="checkbox"/> Irrational Behavior <input type="checkbox"/> Unable to Care for Self <input type="checkbox"/> Recent Negative Life Changing Events (Divorce, Job Loss, Death of Spouse etc.) <input type="checkbox"/>	<b>PRIOR HISTORY</b>	Suicide Attempts <input type="checkbox"/> LE Protective Custody <input type="checkbox"/> LE Non-Protective Custody <input type="checkbox"/> Prior Violence <input type="checkbox"/> Arrests <input type="checkbox"/> Self Injury <input type="checkbox"/> DV Assault <input type="checkbox"/> Psychiatric History <input type="checkbox"/>
		<b>CURRENT COURT ORDER</b>	Protection from Abuse <input type="checkbox"/> Protection from Harassment <input type="checkbox"/> Criminal Trespass Notice <input type="checkbox"/>
<b>CURRENT MEDICATIONS</b>	Taking <input type="checkbox"/> Not Taking <input type="checkbox"/> Overdosing <input type="checkbox"/> Under Dosing <input type="checkbox"/>	<input type="checkbox"/> (Check, as applicable): <i>The above person has been taken into protective custody pursuant to 34-B M.R.S.A., § hereby state that probable cause exists to believe that the person may be mentally ill and that due to that condition person presents a threat of imminent and substantial physical harm to that person or to another; OR I am aware the above person has an Advance Health care Directive authorizing mental health treatment AND have reasonable grounds to believe that the person lacks capacity (attach health care directive, as applicable)</i>	
<b>Narrative Details</b> Provide a <b>BRIEF</b> incident overview to establish probable cause for protective custody Use Specific Suicidal Comments made by the individual			
<i>Copies should be retained by the transporting Law Enforcement Officer and the medical facility</i>			
<b>OFFICER SIGNATURE</b>		<b>DOCTOR/ ADMITTING NURSE SIGNATURE</b>	(Receipt acknowledged)



State of Maine

# Department of Health and Human Services

Maine People Living Safe, Healthy and Productive Lives

Home → Hotlines / Crisis Numbers

## Hotlines / Crisis Numbers

Jump to the bottom of the page for a printable hotline pocket card.

### Emergency/Crisis Hotlines - If your life or someone else's is in immediate danger, please dial 9-1-1

#### **1-888-568-1112 (Voice) or 711 (Maine Relay)**

The Maine Crisis Hotline helps to stabilize individuals and families while assisting in crisis resolution and action planning. If you are concerned about yourself or about somebody else, call the 24-hour crisis hotline and speak with a trained crisis clinician who can connect you to the closest crisis center. For more information visit: [www.sweetser.org/crisisservices.php](http://www.sweetser.org/crisisservices.php).

#### **1-800-222-1222 (Voice) or 711 (Maine Relay)**

The Northern New England Poison Center is the regional poison center for Maine, New Hampshire and Vermont. It is available 24-hours to provide immediate treatment advice for poisonings and answer questions about poisons and prevention.

For more information visit: [www.nnepc.org](http://www.nnepc.org).

#### **1-800-452-1999 (Voice) or 711 (Maine Relay)**

If you are concerned about child neglect or abuse, call this 24-hour hotline to speak to with a child protective specialist. Calls may be made anonymously.

For more information visit: [www.maine.gov/dhhs/ocfs/cw/reporting\\_abuse](http://www.maine.gov/dhhs/ocfs/cw/reporting_abuse).

#### **1-800-624-8404 (Voice) or 711 (Maine Relay)**

If you are concerned about incapacitated or dependent adults (age 18 and over) in danger of abuse, neglect or exploitation call this 24-hour hotline to speak to an adult protective services specialist. Calls may be made anonymously.

For more information visit: [www.maine.gov/dhhs/oads/aps-guardianship/how-to-report.html](http://www.maine.gov/dhhs/oads/aps-guardianship/how-to-report.html)

#### **1-888-568-1112 (Voice) The Maine Crisis Hotline or 711 (Maine Relay)**

1-800-273-TALK (8255) The National Suicide Prevention Lifeline

The Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals.

For more information visit the [Maine Suicide Prevention Program](http://www.maine.gov/dhhs/ocfs/cw/reporting_abuse).

#### **1-800-464-5767 (Press 1)**

The NAMI Helpline is a safe and confidential mental health service for peers, law enforcement, professionals, friends and family members. It provides support, education and advocacy for anyone with questions about mental health concerns. Helpline available Monday - Friday, 8:00am to 4:00pm.

For more information visit: [www.namimaine.org](http://www.namimaine.org).

[helpline@namimaine.org](mailto:helpline@namimaine.org)

#### **1-866-834-HELP (4357)**

The statewide Domestic Violence Helpline connects callers with advocates at Domestic Violence Resource

### Domestic Violence Helpline

### NAMI Maine Helpline

### Elder/ Dependent Adult Abuse

### Child Abuse

### Poison Control Center

### Maine Statewide Crisis Hotline

Centers and provides information, crisis counseling, emotional support and advocacy.  
For more information visit: [www.mcedv.org](http://www.mcedv.org).

For a list of resources in Tribal communities visit: [www.mcedv.org/get-help/](http://www.mcedv.org/get-help/)

### **1-800-871-7741 (Voice) or 711 (Maine Relay)**

Call the 24-hour statewide sexual assault crisis and support line (or text Monday-Friday, 8am-5pm) for confidential services free of charge.

For more information visit: [www.mecasa.org](http://www.mecasa.org).

### **1-866-771-WARM (9276) or 711 (Maine Relay)**

The Intentional Peer Support Warm Line is available toll-free from anywhere in Maine, 24 hours a day, seven days a week. It is a mental health peer-to-peer phone support program offering mutual conversations with a trained specialist who has life experience with mental health and/or substance use issues and recovery. The focus is to encourage and foster recovery, moving toward wellness and reconnecting with community.

For more information visit: [www.maine.gov/dhhs/samhs/mentalhealth/wellness/warmline](http://www.maine.gov/dhhs/samhs/mentalhealth/wellness/warmline).

## **Substance Use Disorders and Tobacco Use**

### **Dial 211 or 1-877-463-6207 (When Out of State)**

If you are not sure who to call, dial 2-1-1 to get connected to statewide services and programs.

One number - thousands of services. 2-1-1 is an easy-to-remember, 24-hour number that connects people who want to give help or get help with a full range of health and human services in their community.

For more information visit: [www.211maine.org](http://www.211maine.org).

### **1-800-737-6237**

During business hours, your call will be taken by a member of Alcoholics Anonymous who knows exactly what you are going through and can give you all the information you need. At night, there is a well-qualified answering service, that can give meeting information, or put you in touch with a person in your area recovering from alcohol use disorder who is available to talk with you about how to get help.

For more information visit: [csoamaine.org/](http://csoamaine.org/).

### **1-800-974-0062**

Visit [www.eyesopenforme.org](http://www.eyesopenforme.org) for more information on Opioid Use Disorder and ways to get help.

Find a provider at [www.findtreatment.samhsa.gov/locator](http://www.findtreatment.samhsa.gov/locator).

### **1-800-974-0062**

Call the Narcotics Anonymous helpline and talk to a person in recovery from addiction.

For more information visit: [www.namaine.org](http://www.namaine.org).

### **1-800-207-1230**

When you're ready to quit, just call.

For more information visit: [thequitlink.com/tools-to-quit/the-maine-tobacco-hotline/](http://thequitlink.com/tools-to-quit/the-maine-tobacco-hotline/).

### **1-800-498-1844**

Al'anon meetings are a place to learn how to change reactions to the attitudes and behaviors common in alcoholic relationships, including those where drinking no longer occurs. The hotline is staffed by volunteers who answer phones, provide literature, and keep meeting information.  
For more information visit: [www.maineafg.org](http://www.maineafg.org).

## **Statewide Al'anon**

## **Printable Hotline Cards**

Double-sided (PDF) | Single-sided (PDF)

## **Credits**

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Technical Issues



# MAINE STATE POLICE GENERAL ORDER

## M-4

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING RESPONSE TO AND INVESTIGATION OF DOMESTIC VIOLENCE INCIDENTS

**EFFECTIVE DATE:** 02.10.2020

**RECENT HISTORY:** AMENDED (02.10.2020); AMENDED (01.01.2019); AMENDED (02.13.2017); AMENDED (08.19.2016); TECHNICAL AMENDMENT (ADDITIONAL DATE INFORMATION IN HEADER CORRECTED)(01.12.2015); TECHNICAL AMENDMENT (DATE INFORMATION IN HEADER CORRECTED)(01.12.2015); UPDATED "MAINE STATE POLICE DOMESTIC VIOLENCE CONTINUATION REPORT" ATTACHED (01.06.2015); AMENDED (01.06.2015); AMENDED (10.17.2014); AMENDED (08.31.2012); AMENDED; ATTACHMENTS ADDED (02.08.2012).

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the agency's response to and investigation of domestic violence ("DV") incidents.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To affirmatively and expeditiously respond to, investigate, and resolve DV incidents, and to take steps to combine the use of appropriate community services with enforcement of the law to:

1. Break the cycle of domestic violence that affects many Maine residents;
2. Protect DV victims and provide them with support; and
3. Promote officer safety when responding to DV incidents.

***Because this is a statutorily-mandated policy, officers must abide by this General Order as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.***

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Abuse. "Abuse" means the occurrence of the following acts between family or household members or dating partners or by a family or household member or dating partner upon a minor child of a family or household member or dating partner:
    1. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, chapter 11, ***except*** that contact as described in Title 17-A, section 106, subsection 1 is excluded from this definition;
    2. Attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing, or tormenting behavior;
    3. Compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has a right or privilege to abstain, or to abstain from conduct in which the person has a right to engage;
    4. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:
      - a. Removing that person from that person's residence, place of business, or school;
      - b. Moving that person a substantial distance from the vicinity where that person was found; or
      - c. Confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved;
    5. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or

another person, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or

6. Repeatedly and without reasonable cause:
  - a. Following a person; or
  - b. Being at or in the vicinity of a person's home, school, business, or place of employment.

*See 19-A M.R.S. § 4002(1).*

- B. Adult. "Adult" means a person eighteen (18) years of age or older or a person under eighteen (18) years of age who is emancipated pursuant to 15 M.R.S. § 3506-A. *See 19-A M.R.S. § 4002(2).*
- C. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
- D. Confidential communications. "Confidential communications" means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship.
  1. The term "confidential communications" includes, but is not limited to, information received or given by an advocate in the course of the working relationship; advice; records; reports; notes; memoranda; working papers; electronic communications; case files; history; statistical data; and personally-identifying information such as name, date of birth, and social security number information.
- E. Dating partners. "Dating partners" means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.
- F. Domestic partners. "Domestic partners" means two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
- G. Domestic violence. "Domestic violence" is synonymous with "abuse," as that word is defined in the policy.
- H. Domestic violence advocate. "Domestic violence advocate" means an employee or volunteer for a nongovernmental program for victims of domestic or family violence:
  1. Who has undergone at least thirty (30) hours of training; and

2. Who, as a primary function with such a program, either gives advice to, counsels, or assists DV victims; supervises employees or volunteers who perform any such functions; or administers the program.

The term "domestic violence advocate" includes, but is not limited to, Tribal domestic violence advocates.

- I. Domestic violence crime. "Domestic violence crime" means any of the following crimes:
  1. Domestic violence assault (17-A M.R.S. §207-A);
  2. Domestic violence criminal threatening (17-A M.R.S. §209-A);
  3. Domestic violence terrorizing (17-A M.R.S. §210-B);
  4. Domestic violence stalking (17-A M.R.S. § 210-C);
  5. Domestic violence reckless conduct (17-A M.R.S. §211-A).
- J. Domestic violence suspect. "Domestic violence suspect" ("DV suspect") means a family or household member who is suspected of or know to have abused another family or household member.
- K. Domestic violence victim. "Domestic violence victim" ("DV victim") means a family or household member who has been abused by another family or household member.
- L. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity, or minor children of a household member when the defendant is an adult household member and, for the purposes of 19-A M.R.S. Pt. 4, c. 101 and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners.
  1. Holding oneself out to be a spouse is not necessary to constitute "living as spouses."
  2. For purposes of this definition, "domestic partners" means two (2) unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare. See 19-A M.R.S. § 4002(4).
- M. Predominant aggressor (formally known as "primary aggressor"). "Predominant aggressor" means – in circumstances in which two parties have committed some form of abuse toward each other– the

person who is more responsible for abuse that has occurred or is occurring, has a history of abuse in a given relationship, and who, in view of available evidence and the totality of the circumstances, represents the more serious present threat of abuse.

- N. Records management system. "Records management system" means the centralized electronic records management system used by the Maine State Police to maintain investigation-related records (currently the "Spillman" system).
- O. Risk assessment. "Risk assessment" means a procedure whereby one measures some characteristics of a person or situation and then uses that information to predict the likelihood of recurrence of a negative event, for example, the recurrence of abusive behavior.
- P. Self-defense. "Self-defense" means a person is justified in using a reasonable degree of physical force upon another person in order to defend him- or herself or a third party from what he or she believes to be the imminent use of unlawful force.
- Q. Strangulation. "Strangulation" means impeding the breathing or circulation of the blood of another person by intentionally, knowingly, or recklessly applying pressure on the person's throat or neck.
- R. Troop Commander. "Troop Commander" means the Commanding Officer of a Maine State Police Troop or Unit, or her or his designee.

#### IV. PROCEDURE

##### 1. GENERALLY

- A. Officers are responsible for being familiar with Maine laws having relevance regarding the issue of domestic violence, including 15 M.R.S. c. 12-A, 19-A M.R.S. c. 101 , and 17-A M.R.S. § 15.

##### 2. MAINE STATE POLICE RESPONSE TO DV INCIDENTS

###### A. OFFICER RESPONSIBILITIES

- 1. In addition to information normally gathered when responding to any other type of incident, an officer responding to a reported DV incident is to try to determine the following through the Regional Communications Center or dispatching agency of jurisdiction:
  - a. Whether the DV suspect is present at the scene and, if not, the suspect 's description and possible whereabouts;
  - b. Whether weapons are or were involved in the DV incident;

- c. Whether any other potential or actual circumstances exist at the scene of the DV incident that present officer-safety issues;
  - d. Whether the DV suspect is under the influence of drugs or alcohol;
  - e. Whether there are children present at the scene of the DV incident;
  - f. Whether anyone at the scene of or involved in the DV incident is injured or in need of medical assistance, including, for example, an ambulance;
  - g. Whether a current protective or restraining order is in effect;
  - h. Whether any bail conditions are in effect;
  - i. Whether there is a history of prior DV-related or any other type of complaints at that location of the DV incident; and
  - j. Whether there is any agency or court record, or risk assessment, pertinent to the DV suspect and/or the DV victim.
2. Upon arriving at the scene of a reported DV incident, an officer shall:
- a. Initiate an investigation of the DV incident by identifying him- or herself by name and requesting entry to a dwelling if that is the scene of the DV incident;
    - (1) If the DV victim is known by the officer to be at the scene, the officer shall ask to see that person.
      - (A) If the person who called the police is someone other than DV victim, the officer is **not** to reveal that person's name;
    - (2) Upon arrival at the scene of a DV incident involving any person known by the responding officer to be a law enforcement agency employee, the officer shall immediately notify a supervisor of that fact;
  - b. Take necessary and appropriate steps to restore order to and take control of the scene of the DV incident;

- c. Take custody of all weapons that were used or threatened to be used during the DV incident;
- d. Assess whether anyone at the scene of the DV incident needs medical assistance;
- e. Separately interview individuals at the scene of the incident, including, but not limited to, any children, neighbors, and other witnesses;
- f. Process the scene of the incident as a crime scene;
- g. Arrest the DV suspect if there is probable cause to do so.

(1) At a DV incident in which both parties have committed one or more acts of violence toward each other, the predominant aggressor **must** be arrested by the officer.

(A) Officers are to consider the arrest of the predominant aggressor the preferred action when evidence indicates that domestic violence has occurred.

(B) To determine which party is the predominant aggressor in a given DV incident, an officer shall consider whether either or both of the parties caused harm to the other party as a result of acting in self-defense (*see* 17-A M.R.S. § 15), and should consider using the "Predominant Aggressor Analysis Decision Tree".

(2) In the case of an alleged crime involving domestic violence, sexual assault under Chapter 11, or stalking, the arresting officer shall obtain the DV victim's contact information and provide that information to the jail to which the suspect is delivered.

(3) In the case of an alleged crime involving domestic violence, sexual assault under Chapter 11, or stalking, a jail shall notify a victim of the suspect's release on preconviction bail as soon as possible, but no later than one (1) hour after the DV suspect's release.

(A) **However**, if the suspect is released on bail before being delivered to a jail, the arresting officer shall notify (or cause

notification to be made to) the victim as soon as possible, but no later than one (1) hour after the suspect's release.

- (B) Notification by an officer must be made by a telephone call either directly to the victim or, in the case of a victim who is a minor, to an adult who is the victim's parent or legal guardian or, if the parent or legal guardian is not available, then either to another immediate family member or —if the officer thinks it is reasonable and prudent to do so —to the victim him- or herself.
- (C) If a jail is not successful in contacting a victim after the jail has exercised due diligence in attempting to do so, the jail shall notify the law enforcement agency that investigated the report of domestic violence, sexual assault, or stalking.

- (1) That law enforcement agency then shall make reasonable attempts to notify the victim that the suspect has been released on preconviction bail.

- (4) Each attempt by an officer to notify a victim of a suspect's release on preconviction bail **shall** be documented by the officer in the records management system;

- h. Collect and record evidence and, where appropriate, take photos of all injuries suffered by any person during the incident, as well as any property damage;
- i. Complete appropriate reports necessary to fully and appropriately document the officer's response to the DV incident.

- (1) Officers are to document any relevant evidence at the incident scene, any witness statements, any "excited utterances" that were made by any party at the incident, a description of any and all injuries suffered by any person at the scene of the DV incident, and the officer's determination of whether a crime was committed (and, if a crime is determined to

have been committed and an arrest is made, then the officer also must document the applicable ATN and CTN numbers).

- (2) Officers ***specifically*** shall document whether the DV incident involved the use of strangulation, as defined in Title 17-A, section 208, subsection 1, paragraph C; and
- j. When applicable, provide relevant information regarding the incident and relevant criminal history information to the bail commissioner.
    - (1) Such information shall include:
      - (A) A completed "Bail Commissioner Information Form: Domestic Violence"; and
      - (B) A completed "ODARA Item Summary" form.
    - (2) The information in the ODARA risk assessment form shall be provided to the bail commissioner in person prior to the bail commissioner setting bail, or, when in-person delivery is not practicable, then left at the county jail in order that the bail commissioner can review the risk assessment prior to setting bail.
    - (3) Officers shall also provide a copy of the completed ODARA risk assessment form to the Office of the District Attorney of jurisdiction.
3. If probable cause does not exist to make an arrest, an officer shall indicate such in his or her report of the incident.
  4. If a DV suspect has left the scene of an incident and the officer believes a crime has been committed by that person, the officer shall:
    - a. Conduct a search of the immediate area;
    - b. Obtain information from victims and witnesses regarding where the DV suspect might be.
      - (1) To the extent authorized by law, officers are to make a warrantless arrest when a DV suspect is found.

- (2) In the event a DV suspect is not immediately located, a responding officer shall:
  - (A) Contact the appropriate RCC to ensure that a temporary arrest warrant is placed in the METRO system under "Maine Wanted," and that a teletype is sent to make local criminal justice agencies aware of the temporary warrant and of other relevant information that may be used to identify the DV suspect.
    - (1) The temporary arrest warrant expires after seventy-two (72) hours, so if after forty-eight (48) hours a suspect is not located and arrested, the officer shall write an affidavit and request an arrest warrant to ensure there is not a period of time where an active warrant is not in place.
  - (B) **However**, if the offense involved is a felony (Class A, B, or C crime), the responding officer shall instead request that a temporary felony arrest warrant be entered into NCIC, and issue a teletype make local criminal justice agencies aware of the temporary warrant and of other relevant information that may be used to identify the DV suspect.
    - (1) The temporary felony arrest warrant expires after forty-eight (48) hours, so if after twenty-four (24) hours, a suspect is not located and arrested, the officer shall write an affidavit and request an arrest warrant to ensure there is not a period of time where an active warrant is not in place.

5. In any circumstance in which an officer has reason to believe that a family or household member has been or is being abused, the officer shall immediately use all reasonable means to prevent further abuse.
6. The officer shall assist such DV victims by:
  - a. Advising all parties involved about the criminal nature of family violence and the potential escalation of such;
  - b. Advising all parties involved that help is available;
  - c. Remaining at the scene of a DV incident for as long as the officer reasonably believes that there would be an imminent danger to the safety and well-being of any person if the officer were to leave the scene;
  - d. Assisting a DV victim to obtain medical treatment, including, but not limited to, driving the victim to the emergency room of the nearest hospital;
  - e. Informing a DV victim of his or her rights, as well as of the options the victim has to obtain a protection order against an abuser;
    - (1) If a DV victim does not speak English, officers are to request interpreter services to ensure the victim is made aware of his or her rights and options to obtain a protection order against an abuser;
  - f. Providing the DV victim with information about local DV victim advocacy groups and services;
    - (1) If a DV victim does not speak English, officers are to request interpreter services to ensure the victim is made aware of local DV victim advocacy groups and services;
  - g. Making reasonable attempts to obtain any contact information (for example, telephone numbers, mailing addresses) of the DV victim so that the officer or a victim/witness advocate may follow up with the DV victim to ensure for his or her safety and well-being; and
  - h. In circumstances in which it is necessary for a DV victim to temporarily or permanently leave a location where he or she has been living or staying, assisting the DV victim in locating lodging with family, friends, in public accommodations, or at a DV shelter/safe home.

i. *Retrieval of personal property by a DV victim and a DV suspect*

(1) An officer shall assist a DV victim to safely retrieve personal property from a location owned or controlled by a DV suspect (provided there are no bail conditions or court orders that prohibit the victim from returning to that location) by:

(A) Contacting each party to determine a convenient time for the DV victim to obtain personal property;

(B) When possible, meeting with the DV victim -- prior to the property retrieval -- at a neutral location with at least one (1) other officer;

(C) Helping the DV victim to determine in advance what personal property is to be obtained from the location.

(1) Such property should be limited to personal clothing, children's clothing (if applicable), toiletry items, and other reasonable personal belongings;

(2) If there is a dispute as to the ownership of one or more items of property, the officer shall explain to the parties that the dispute will need to be resolved by a court of appropriate jurisdiction;

(D) Keeping the DV victim at a safe distance away from the subject location until the officer determines that a DV suspect is not at the location;

(1) Once the officer has made this determination, the DV victim may accompany the officer to the location to obtain personal property.

- (2) If an officer determines that a DV suspect is at the location and is violating any bail conditions or protective order stipulations, the officer shall arrest that person.
  - (3) If an officer determines that a DV suspect is at the location and there is a “no contact” provisions in place, the officer shall attempt to have the DV suspect leave the location prior to the victim obtaining personal property.
- (2) An officer shall assist a DV suspect to safely retrieve personal property from a location owned or controlled by a DV victim (provided there are no bail conditions or court orders that prohibit the suspect from returning to that location) by:
  - (A) Contacting each party to determine a convenient time for the DV suspect to obtain personal property;
  - (B) When possible, meeting with the DV suspect -- prior to the property retrieval -- at a neutral location with at least two (2) other officers;
  - (C) Helping the DV suspect to determine in advance what personal property is to be obtained from the location.
    - (1) Such property should be limited to personal clothing, children's clothing (if applicable), toiletry items, and other reasonable personal belongings;(2) If there is a dispute as to the ownership of one or more items of property, the officer shall explain to the parties that the dispute will need to be resolved by a court of appropriate jurisdiction;
  - (D) Keeping the DV suspect at a safe distance away from the subject location

until the officer determines that a DV victim is not at the location;

- (1) Once the officer has made this determination, the DV suspect may accompany the officer to the location to obtain personal property.
- (2) If an officer determines that a DV victim is at the location and there is a “no contact” provisions in place, the officer shall attempt to have the victim leave the location prior to the DV suspect obtaining personal property.

j. *Post-DV incident follow-up*

- (1) An officer who responded to a DV incident shall, as soon as practicable (but in any case within the forty-eight (48) hours following the incident), meet with the DV victim in order to check on his or her safety and well-being.
  - (A) Once he or she has done so, an officer must document in the officer's report that he or she checked on the safety and well-being of the DV victim.
- (2) The officer also shall:
  - (A) Ensure that bail conditions and court orders are being adhered to by the DV suspect.
    - (1) If violations of an order or of bail conditions are determined by the officer to have occurred, the officer shall arrest the DV suspect after the officer has confirmed that the terms of any such order (and the order itself) and/or the bail conditions, remain in effect;
  - (B) Further advise the DV victim of her or his options to obtain a protection from

- abuse order, and help with obtaining such an order;
- (C) Encourage the use of local family crisis or other support services;
  - (D) Collect additional statements and any other information that is relevant to or might further an investigation of a DV incident.
    - (1) Such additional information shall be provided by the officer to the district attorney's office of jurisdiction;
  - (E) Take follow-up photographs of any injuries the DV victim suffered as a result of the original incident, if necessary and warranted;
    - (1) Such additional information shall be provided by the officer to the district attorney's office of jurisdiction;
  - (F) Complete the officer's report using the Maine State Police Domestic Violence Continuation Report, which report must be submitted within five (5) days following the subject DV incident.
  - (G) Once the case file has been submitted to the records management system, e-mail a copy of such to each of the Sergeants and the Commander of the Troop to which the officer is assigned.
    - (1) Such additional information shall be provided by the officer to the district attorney's office of jurisdiction;
  - (H) Check social media websites and – to the extent possible – other forms of digital technology (cell phone texts, emails, etc., for example) to determine whether any "cyberstalking" or online

harassment of the DV victim is occurring.

- (1) If such conduct is occurring, the officer shall document such in the records management system and provide that information to the district attorney's office of jurisdiction.

**Each subsequent follow-up visit with a DV victim must be documented in the records management system, and copies of the additional documentation shall be provided by the officer to the district attorney's office of jurisdiction.**

**If an officer who responded to a DV incident cannot have a follow-up visit with the DV victim in the timeframe required by this policy, then the officer shall notify his or her supervisor, who shall make alternative arrangements for a follow-up visit to occur in accordance with this policy.**

*B. SHIFT SUPERVISOR RESPONSIBILITIES*

1. When an officer under the supervision of a shift supervisor responds to a DV incident, the shift supervisor shall:
  - a. Ensure that adequate resources are committed to respond to DV incidents reportedly occurring within the jurisdiction over which the supervisor has supervisory responsibilities (for example, ensure that, whenever practicable, a minimum of two (2) law enforcement officers respond to such incidents);
  - b. Ensure that adequate resources are committed to situations in which personal property is being retrieved by a DV victim or DV suspect;
  - c. Ensure that this policy and statutorily-mandated arrest provisions are followed;
  - d. Ensure that protection from abuse orders are served expeditiously;
  - e. Ensure that DV suspects and alleged violators of protection from abuse orders are apprehended as expeditiously as possible;

- f. Ensure that the officer who visited the DV victim to check on the DV victim's safety and well-being, and the primary investigating officer (if different), submits his or her report regarding the DV incident within seventy-two (72) hours following the visit.
  - (1) In any event, all such reports must be completed and submitted for approval within five (5) days following the subject DV incident;
- g. Ensure that the subject case file is approved within forty-eight (48) hours after receiving a request for such approval from the primary investigating officer;
- h. Monitor officer responses to requests for the exchange of property between parties who have been involved in a DV incident;
- i. Ensure that an officer assigned to serve a protective from abuse order requiring the relinquishment of firearms or dangerous weapons either takes possession of such items or otherwise follows-up to ensure that the items are relinquished pursuant to the order.

*C. TROOP COMMANDER RESPONSIBILITIES*

- 1. Each Troop Commander shall:
  - a. Monitor the activities of the Troop regarding its response to DV incidents to ensure compliance with this policy and applicable law;
  - b. Review the computer-assisted dispatch system at least every other day to ensure that calls for service are documented and coded properly;
  - c. Ensure that quality investigative reports pertaining to DV incidents are composed in a timely manner;
  - d. Act as, or assign, a Troop liaison to each DV victim advocacy agency or community service group that provides services to DV victims within the Troop's jurisdiction, for the purpose of improving communication and cooperation between the Troop and those agencies and groups.
    - (1) The Troop Commander shall identify local DV-victim-support services and resources, and develop written information about those

services and resources to provide to officers in the Troop.

- e. Arrange with the county sheriffs to ensure that the appropriate RCC is notified when a DV suspect is released on bail from the county jail.

### 3. PROTECTION FROM ABUSE (“PFA”) ORDERS

#### A. GENERAL

1. Under Maine law, arrest – with or without a warrant – is mandatory per 19-A M.R.S. § 4012(5), which provides that "when a law enforcement officer has probable cause to believe that there has been a criminal violation under 19-A M.R.S. § 4011 of a court-approved consent agreement or a protection order issued pursuant to 19-A M.R.S. Pt. 4, c. 101 or 15 M.R.S. c. 12-A, or that a violation of 17-A M.R.S. § 208 has occurred between members of the same family or household, that enforcement officer shall arrest and take into custody the alleged offender."
  - a. A warrantless arrest also is authorized by 17-A M.R.S. § 15 if an officer has probable cause to believe a person has committed or is committing any offense listed in that section of the Maine Criminal Code.
2. Once a valid and enforceable temporary or permanent protection from abuse order has been issued by a court, and once an officer is aware of the issuance of such an order, the officer shall expeditiously serve, or cause to be served, the order (or an authorized and lawful electronic copy thereof) on the subject of the order (that is, on the defendant named in the order).
3. Officers shall place a high priority on the service of temporary and permanent protection from abuse orders, as well as any orders that modify any such order.
4. A PFA order must be served on the subject of the order by delivering the order (or an authorized and lawful electronic copy thereof) to that person personally.
  - a. If the subject refuses to receive a PFA order, the officer shall leave the order in the immediate presence of the subject and advise the subject of the following:
    - (1) The content of the order;

- (2) The fact that the subject has been officially served; and
  - (3) The consequences the subject faces if he or she violates the terms of the order.
5. Because proper service of any type of protection order is time-sensitive, an officer shall **not** attempt to serve an order by registered mail.
6. Once an officer has served a PFA order, the officer shall document such service in her or his incident report.
  - a. In so doing, the officer shall describe the circumstances surrounding the service of the order.
  - b. Once an officer has served a PFA order, the officer also shall ensure the service information is promptly entered into the METRO System.

## B. VIOLATIONS OF PROTECTION FROM ABUSE ORDERS

1. 19-A M.R.S. § 4011 provides as follows with respect to violations of protection from abuse orders:

### **§4011. Violation**

**1. Crime committed.** Except as provided in subsections 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

- A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or
- B. A court-approved consent agreement.

**2. Exception.** When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraph F or F-1 or section 4007, subsection 1, paragraphs H to O, the violation must be treated as contempt and punished in accordance with law.

**3. Warrantless arrest.** Notwithstanding any statutory provision to the contrary, an arrest for

criminal violation of an order or consent agreement may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

**4. Reckless conduct; assault.** A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.

2. An officer shall expeditiously arrest and take into custody without a warrant any person who the officer has probable cause to believe is subject to (that is, is a defendant named in) a protection from abuse order pursuant to the laws of this state and whom the officer has probable cause to believe has violated the criminal terms of the order, even if the violation did not take place in the presence of the officer.

C. FULL FAITH & CREDIT TO BE AFFORDED TO VALID AND ENFORCEABLE FOREIGN PROTECTION ORDERS

1. Officers shall expeditiously enforce valid and enforceable orders of protection or restraint that have been issued by a court of another State.
  - a. Officers shall verify the validity and enforceability of any such order prior to enforcing it.

4. REVIEWS FOLLOWING DV INCIDENTS THAT RESULT IN SERIOUS INJURY OR DEATH TO ONE OR MORE INDIVIDUALS

A. If a person is seriously injured or killed by another person either:

1. Against whom a temporary or permanent protection from abuse order had been issued, or
2. With whom the Maine State Police had any prior official interactions that involved that other person and the seriously injured or killed individual,

then the Colonel shall cause a review of this policy to occur, as well as cause to occur a review of the agency's and officers' compliance therewith.

- B. Such reviews shall be conducted in consultation with a domestic violence advocate and/or a sworn law enforcement officer designated or trained as a domestic violence investigator.
- C. Following such reviews, the Colonel shall take any administrative action she or he deems to be appropriate, including, but not limited to, ordering the enhancement of DV-related training and a revision or amendment of this policy.

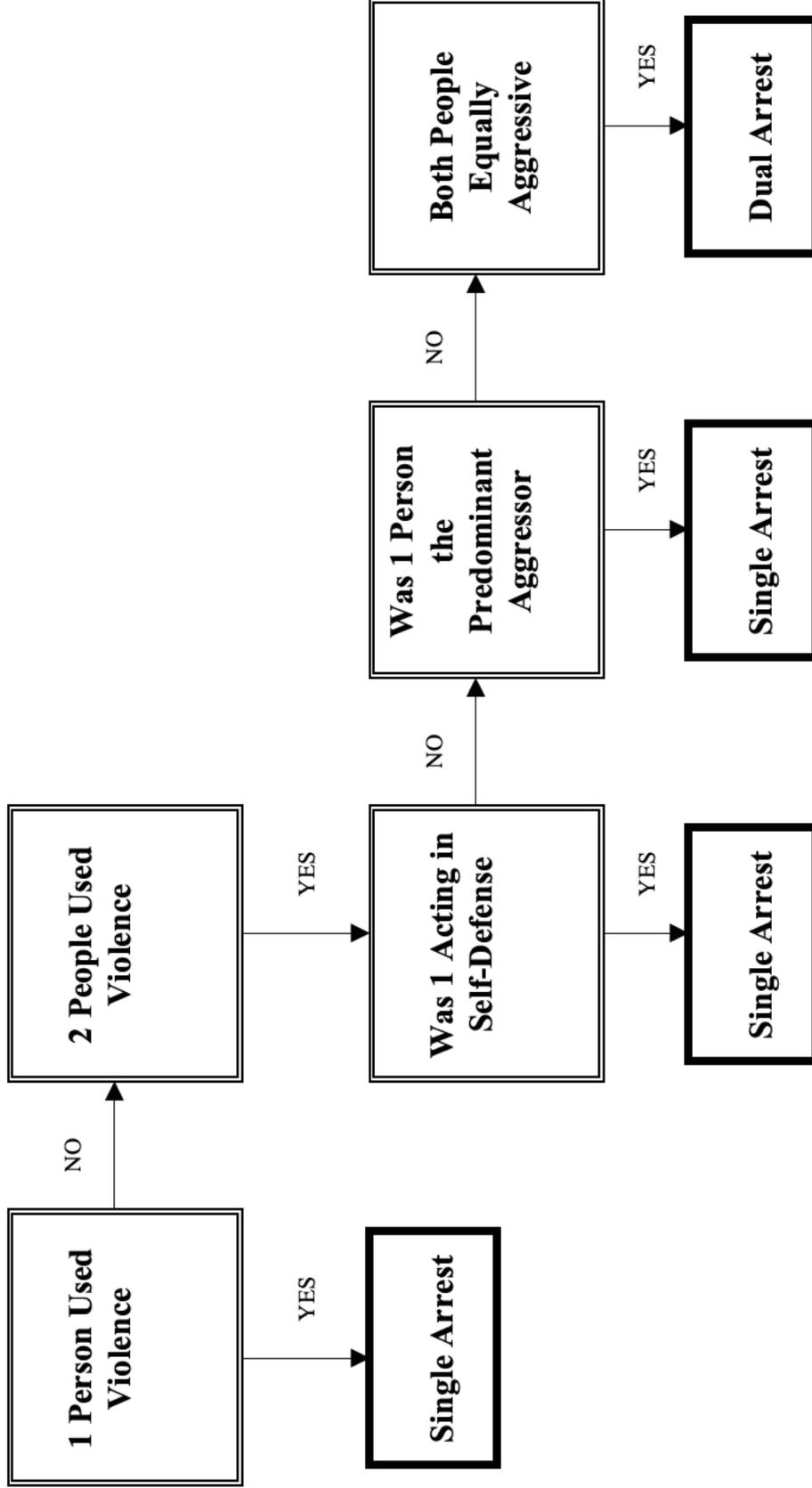
## **ATTACHMENTS**

- Predominant Aggressor Analysis Decision Tree (Source: Appendix 3 of MCJA Domestic Violence model policy)
- Domestic Violence Report Supplement
- Maine State Police Domestic Violence Continuation Report
- Domestic Violence Resource Guide for State Police, By County
- Bail Commissioner Information Form: Domestic Violence
- ODARA Item Summary

### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

**APPENDIX 3**  
**PREDOMINANT AGGRESSOR ANALYSIS**  
**DECISION TREE**



# DOMESTIC VIOLENCE SUPPLEMENT

DVS-2 10/9

VICTIM: \_\_\_\_\_ D.O.B. \_\_\_\_\_

INCIDENT ADDRESS \_\_\_\_\_ CITY/TOWN \_\_\_\_\_

DEPT/CASE NO. \_\_\_\_\_ DATE & TIME OF OFFENSE \_\_\_\_\_

COMPLAINT MADE BY (x all that apply):  VICTIM  NEIGHBOR  UNKNOWN  CHILD  
 OTHER: \_\_\_\_\_

**1. RELATIONSHIP; VICTIM/SUSPECT:**

Spouse  Former Spouse  Child in Common  Cohabitants  Former Cohabitants  
 Dating/Engaged  Former Dates  Same Sex  OTHER \_\_\_\_\_

**LENGTH OF RELATIONSHIP:**

Less than 1 yr.  3 to 5 years  5 to 10 years  10 to 20 years  More than 20 years

**2. LOCATION OF OFFENSE:**

Victim's Dwelling  Victim's Workplace  Suspect's Dwelling  Suspect's Workplace  
 Other: \_\_\_\_\_

**3. SUSPECT INTERVIEWED:**

Yes  No  Before Arrest  After Arrest

**4. WITNESS PRESENT DURING ANY PART OF INCIDENT:**

Yes  No

**5. (a) WRITTEN STATEMENT OBTAINED FROM VICTIM:**

Yes  No

**(b) WRITTEN STATEMENT OBTAINED FROM WITNESSES:**

Yes  No

**6. WAS ANYONE ELSE STRUCK:**

Yes  No

**7. CHILDREN PRESENT FOR ANY PART OF INCIDENT:**

Yes  No

**8. NAMES/DOB OF ALL CHILDREN PRESENT: INTERVIEWED?**

\_\_\_\_\_  
 Yes  No  
\_\_\_\_\_  
 Yes  No  
\_\_\_\_\_  
 Yes  No

**9. PRIOR INCIDENTS BY SUSPECT ON VICTIM (x all that apply):**

Assault  Threat  Injury Inflicted  
 Other \_\_\_\_\_

**10. VICTIM INFORMED OF (x all that apply):**

Rights  VWA  PFA Process  
 Battered Women's Shelter

**11. IN EFFECT (x all that apply):**

Protection Order  Bail Cond.  Probation  None

**12. OFFICER INJURED:**

Yes  No

**13. ACTION TAKEN (x all that apply):**

Arrest  Separation  DHS Referral  
 Contact Battered Women's Project  
 Other \_\_\_\_\_

**14. IF NO ARREST, STATE WHY:**

Lack of PC  Gone on Arrival  
 Other \_\_\_\_\_

**15. PROPERTY DAMAGE EVIDENT:**

Phone Disabled  Vehicle Disabled  
 Other \_\_\_\_\_

## VICTIM

**16. STATS:**

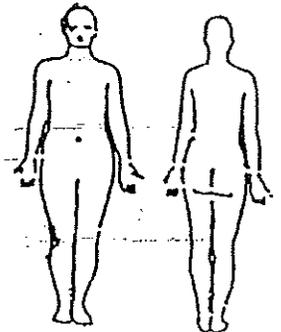
Male  Female

Weight: \_\_\_\_\_

Height: \_\_\_\_\_

Describe Injuries: \_\_\_\_\_

**17. NAME:**



I told the officer who hurt or struck me.

I told the officer or pointed out on the drawing where on my body I was struck or hurt.

I give my permission to the \_\_\_\_\_ to give this report to the Battered Women's Project so they may provide me more information about my rights and services available to me.

I affirm the information I have given the officer is true and correct.

Victim Signature \_\_\_\_\_

Witness Signature \_\_\_\_\_

Date and Time: \_\_\_\_\_

Investigating Officer \_\_\_\_\_

# DOMESTIC VIOLENCE SUPPLEMENT (cont.)

## VICTIM

## SUSPECT

**18. APPEARANCE (x all that apply):**

- Gone Upon Arrival     Angry     Apologetic  
 Crying     Fearful     Calm     Threatening  
 Intoxicated: Alcohol/Drugs  
 Evidence of Mental Illness  
 Spontaneous Statement  
 OTHER \_\_\_\_\_

**19. VIOLENT ACTION (Victim says what suspect did)**

(x all that apply):

- Pushed or shoved                       Held/restrained against will  
 Hit with closed fist                       Slapped with open hand  
 Kicked or kneed                       Hit with object  
 Grabbed by throat                       Weapon  
 Property Damage                       Made Threats (specify)  
 OTHER \_\_\_\_\_

**20. VIOLENT ACTION (Victim states what victim did)**

(x all that apply):

- Pushed or shoved                       Held/restrained against will  
 Hit with closed fist                       Slapped with open hand  
 Kicked or kneed                       Hit with object  
 Grabbed by throat                       Weapon  
 Property Damage                       Made Threats (specify)  
 OTHER \_\_\_\_\_

**21. PHYSICAL COMPLAINTS (x all that apply):**

- No complaint of pain/injury     Indicates Pain  
 Soft tissue injury/bruising     Scratches  
 Bleeding     OTHER \_\_\_\_\_

**22. MEDICAL TREATMENT:**

- Offered/Refused     Will Seek Own     EMS  
 Hospital (where) \_\_\_\_\_

**23. Name:** \_\_\_\_\_

**DOB:** \_\_\_\_\_ **M/F**

**Height:** \_\_\_\_\_ **Weight:** \_\_\_\_\_

**24. APPEARANCE (x all that apply):**

- Gone Upon Arrival     Angry     Apologetic  
 Crying     Fearful     Calm     Threatening  
 Intoxicated: Alcohol/Drugs  
 Evidence of Mental Illness  
 Spontaneous Statement  
 OTHER \_\_\_\_\_

**25. VIOLENT ACTION (Suspect alleges what victim did)**

(x all that apply):

- Pushed or shoved                       Held/restrained against will  
 Hit with closed fist                       Slapped with open hand  
 Kicked or kneed                       Hit with object  
 Grabbed by throat                       Weapon  
 Property Damage                       Made Threats (specify)  
 OTHER \_\_\_\_\_

**26. VIOLENT ACTION (Suspect admits what suspect did)**

(x all that apply):

- Pushed or shoved                       Held/restrained against will  
 Hit with closed fist                       Slapped with open hand  
 Kicked or kneed                       Hit with object  
 Grabbed by throat                       Weapon  
 Property Damage                       Made Threats (specify)  
 OTHER \_\_\_\_\_

**27. PHYSICAL COMPLAINTS (x all that apply):**

- No complaint of pain/injury     Indicates Pain  
 Soft tissue injury/bruising     Scratches  
 Bleeding     OTHER \_\_\_\_\_

**28. MEDICAL TREATMENT:**

- Offered/Refused     Will Seek Own     EMS  
 Hospital (where) \_\_\_\_\_

Any information officer feels important to case but not covered in questions:

Officer Covering Complaint



# Maine State Police

## Domestic Violence Continuation Report

Incident #
------------

Author	CODE NO
--------	---------

**DETAILS OF INVESTIGATION INCLUDING RESOURCES RECOMMENDED  
AND ANY DHHS REFERRAL MADE:**

**48 HOUR FOLLOW UP SYNOPSIS:**

**ENCLOSURES:**

- SBI/III (RMS AND ATTACHED)
- 48 HOUR AFFIDAVIT (RMS AND ATTACHED)
- ODARA DOMESTIC VIOLENCE SCORESHEET
- INTAKE FORM NOTING BAIL COMMISSIONER CONTACTED (RMS)
- VICTIM WRITTEN STATEMENTS (RMS AND ATTACHED)
- SUSPECT WRITTEN STATEMENTS (RMS AND ATTACHED)
- VICTIM PHOTOGRAPHS (DA'S OFFICE AND FILEMOVER)
- SUSPECT PHOTOGRAPHS (DA'S OFFICE AND FILEMOVER)
- AUDIO/VIDEO OR 911 RECORDINGS (DA'S OFFICE AND FILEMOVER)

**OTHER ENCLOSURES:**

**RECOMMENDATION:**

## **Domestic Violence Resource Guide for State Police by County**

### **Caring Unlimited** (York County)

P.O. Box 590, Sanford, ME 04073

Admin.: 207-490-3227

Hotline: 1-800-239-7298

Send E-mail to: [mail@caring-unlimited.org](mailto:mail@caring-unlimited.org) or look on the web at: [www.caring-unlimited.org](http://www.caring-unlimited.org)

### **Family Crisis Services** (Cumberland & Sagadahoc Counties)

P.O. Box 704, Portland, ME 04104

Admin.: 207-767-4952

Hotline: 1-800-537-6066; 207-874-1973

All numbers TTY accessible

Send E-mail to: [familycrisis@familycrisis.org](mailto:familycrisis@familycrisis.org) or look on the web at: [www.familycrisis.org](http://www.familycrisis.org)

### **Family Violence Project** (Kennebec & Somerset Counties)

P.O. Box 304, Augusta, ME 04332

Admin.: 207-623-8637

Hotline: 1-877-890-7788; 207-623-3569

Send E-mail to: [fvp@familyviolenceproject.org](mailto:fvp@familyviolenceproject.org) or look on the web at: [www.familyviolenceproject.org](http://www.familyviolenceproject.org)

### **Hope and Justice Project** (Aroostook County)

754 Main Street, Presque Isle, ME 04769

Admin.: 207-764-2977

Hotline: 1-800-439-2323

Send E-mail to: [info@hopeandjusticeproject.org](mailto:info@hopeandjusticeproject.org) or look on the web at [www.hopeandjusticeproject.org](http://www.hopeandjusticeproject.org)

**New Hope for Women** (Knox, Lincoln & Waldo Counties)

P.O. Box A, Rockland, ME 04841-0733

Admin. & Hotline: 207-594-2128 or 1-800-522-3304

Belfast area hotline 207-338-6569

Damariscotta area hotline 207-563-2404

Send E-mail to: [newhope@newhopeforwomen.org](mailto:newhope@newhopeforwomen.org) or look on the web at: [www.newhopeforwomen.org](http://www.newhopeforwomen.org)

**Safe Voices**(Androscoggin, Franklin & Oxford Counties)

P.O. Box 713, Auburn, ME 04212-0713

Admin.: 207-795-6744

Hotline: 1-800-559-2927 or 207- 795-4020

Send E-mail to: [safevoices@safevoices.org](mailto:safevoices@safevoices.org) or look on the web at: [www.safevoices.org](http://www.safevoices.org)

**Spruce Run** (Penobscot County)

P.O. Box 653, Bangor, ME 04402

Admin.: 207-945-5102

Hotline: 1-800-863-9909 or 207-947-0496 or TTY: 207-955-3777

Send E-mail to: [sprucerun@sprucerun.net](mailto:sprucerun@sprucerun.net) or look on the web at: [www.sprucerun.net](http://www.sprucerun.net)

**The Next Step** (Hancock & Washington Counties)

Hancock County:

P.O. Box 1465, Ellsworth, ME 04605

Admin.: 207-667-0176

Hotline: 1-800-315-5579 or 207-667-4606

Send E-mail to: [nextstep@midmaine.com](mailto:nextstep@midmaine.com)

Washington County:

P.O. Box 303, Machias, ME 04654

Admin: 207-255-4934

Hotline: 1-888-604-8692 or 1-207-255-4785

Send E-mail to: [lfogelman@nextstepdvproject.org](mailto:lfogelman@nextstepdvproject.org) or look on the web at: [www.nextstepdvproject.org](http://www.nextstepdvproject.org)

**Womancare** (Piscataquis County)

P.O. Box 192, Dover-Foxcroft, ME 04426

Admin & Hotline: 207-564-8165

Hotline: 1-888-564-8165

Send E-mail to: [wmncare@wmncare.org](mailto:wmncare@wmncare.org) or look on the web  
at: [www.wmncare.org](http://www.wmncare.org)

Complete List of online DV Projects in Maine-

<http://mcedv.org/services/maine-domestic-violence-programs>

## BAIL COMMISSIONER INFORMATION FORM: DOMESTIC VIOLENCE

Law Enforcement Agency: \_\_\_\_\_ Arresting Officer: \_\_\_\_\_

Incident #: \_\_\_\_\_ Arrest Tracking #: \_\_\_\_\_ Control Tracking #: \_\_\_\_\_

Defendant: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ How Long: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Location of Arrest: \_\_\_\_\_

OFFENSE	CLASS	STATUTE	BAIL

Victim's Name/s: \_\_\_\_\_ Relationship to Defendant: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Phone #: \_\_\_\_\_

Victim's Address\*: \_\_\_\_\_

**\*BY STATUTE, VICTIM'S ADDRESS SHOULD BE INCLUDED ONLY IF IT IS CLEAR DEFENDANT ALREADY KNOWS WHERE VICTIM LIVES.**

Maine Criminal History Record information (SBI); III (if appropriate); MV history; CCJ records- FTA, recent offences; PFA/PFH or Bail Conditions in effect: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ODARA Score:** \_\_\_\_\_ (see attached Item Summary).

**Information About Severity of Offense in Domestic Violence Cases** (see attached probable cause affidavit for narrative of incident): Use of Strangulation during the incident: \_\_\_\_\_; Presence/Use/Threat to use Weapon (type): \_\_\_\_\_; threats to kill self/others/pets: \_\_\_\_\_; alcohol/drug use (type): \_\_\_\_\_; victim pregnant: \_\_\_\_\_; recent separation: \_\_\_\_\_; other: \_\_\_\_\_.

## ODARA Item Summary<sup>1</sup>

Don not use without full scoring instructions as published by the  
MHCP Research Department, Penetanguishene, ON Canada  
In collaboration with the Ontario Provincial Police

**Score each item 1 or 0**

**? if missing** (available documentation indicates that an item might be present but the information is unclear or incomplete)

- 1. \_\_\_\_\_ Prior domestic assault (against a partner or the children) in police records
- 2. \_\_\_\_\_ Prior non-domestic assault (against any person other than a partner or the children) in police records.
- 3. \_\_\_\_\_ Prior sentence for a term of 30 days or more
- 4. \_\_\_\_\_ Failure on prior conditional release; bail, parole, probation, no-contact order
- 5. \_\_\_\_\_ Threat to harm or kill during the index incident.
- 6. \_\_\_\_\_ Confinement of victim during the index incident
- 7. \_\_\_\_\_ Victim Fears (is concerned about) future assaults
- 8. \_\_\_\_\_ More than one child together
- 9. \_\_\_\_\_ Victim has a biological child from a previous partner
- 10. \_\_\_\_\_ Violence against others (to any person other than partner or the children)
- 11. \_\_\_\_\_ More than one indicator of substance abuse problem, i.e.: alcohol at index, drugs at index, prior drugs or alcohol, increased drugs or alcohol, more angry or violent, prior offense, alcohol problem, drug problem
- 12. \_\_\_\_\_ Assault on victim when she was pregnant
- 13. \_\_\_\_\_ Victim faces at least one barrier to support, i.e.: children, no phone, no access to transportation, geographical isolation, alcohol/drug consumption or problem

\*\*\*\*\*

\_\_\_\_\_ Raw total (sum of items scored 1)

\_\_\_\_\_ Adjusted Score (see table Adjusted scores for assessment with missing information)

\_\_\_\_\_

<sup>1</sup> ODARA General Scoring Criteria (2005 Rev.) © 2005 Mental Health Center Penetanguishene, Research Department



## MAINE STATE POLICE GENERAL ORDER

### M-5

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE INVESTIGATION OF BIAS-MOTIVATED INCIDENTS AND PROHIBITING BIAS-BASED PROFILING

**EFFECTIVE DATE:** 02.21.2020

**RECENT HISTORY:** AMENDED (02.21.2020); AMENDED (12.06.2019); AMENDED (08.28.2019); AMENDED (07.11.2018); AMENDMENT 04.13.2017); REVISED (06.05.2015), RESCINDS MSP GO E-96 (06.05.2015); AMENDED (10.17.2014); TECHNICAL AMENDMENT (PT. IV(3)(A)(3) & (4)(11.21.2013); REVISES MSP GO M-5 (04.13.2010); AMENDS MSP GO M-5 (TECHNICAL AMENDMENTS)(12.19.2007); REPLACES G.O. 112 (12.18.2007)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the investigation of bias-motivated incidents, as well as strictly prohibiting bias-motivated profiling by Maine State Police personnel.

#### II. POLICY

1. The policy of the Maine State Police is –
  - A. To protect the Federal and State constitutional and statutory rights of all individuals without regard to their race, color, ethnicity, gender identity, sexual orientation, religion, sex, ancestry, national origin, physical or mental disability, economic status, age, or cultural group; and
  - B. To strictly prohibit bias-based profiling by Maine State Police personnel.

***Note: Because this is a statutorily-mandated policy, officers shall abide by the policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.***

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Bias-based profiling. "Bias-based profiling" means the targeting of an individual for law enforcement action based on that individual's race, color, ethnicity, gender identity, sexual orientation, religion, sex, ancestry, national origin, physical or mental disability, economic status, age, or cultural group.
  - B. Bias-motivated incident. "Bias-motivated incident" means an incident involving unlawful conduct that is known or suspected to have been motivated in whole or in part by bias against an individual based on that individual's race, color, ethnicity, gender identity, sexual orientation, religion, sex, ancestry, national origin, physical or mental disability, economic status, age, or cultural group.
  - C. Maine State Police Civil Rights Officer. "Maine State Police Civil Rights Officer" means a member of the Maine State Police who has received special training and certification from the Office of the Attorney General in identifying and investigating civil rights laws violations.

### IV. PROCEDURE

#### 1. GENERALLY

- A. The Maine State Police shall give high priority to investigating bias-motivated incidents.
- B. When responding to a complaint of a bias-motivated incident, the Maine State Police shall duly investigate the incident in accordance with this policy and all other applicable laws and policies.
- C. Each sworn Maine State Police officer shall review and become generally familiar with the following statutes:
  1. 5 M.R.S. c. 337-B, the "Maine Civil Rights Act" ("MCRA");
  2. 17 M.R.S. c. 93-C, "Interference with Constitutional and Civil Rights"; and
  3. 17-A M.R.S. c. 47, "General Sentencing Provisions."

#### 2. DESIGNATION OF MAINE STATE POLICE CIVIL RIGHTS OFFICERS

- A. The Colonel, or her or his designee, shall designate – and, upon request, publicly identify – Maine State Police Civil Rights Officers.
- B. A Maine State Police Civil Rights Officer who is a sworn officer may assume control of an investigation of an alleged bias-motivated incident.

#### 3. INVESTIGATION OF BIAS-MOTIVATED INCIDENTS

- A. When a Maine State Police officer responding to an incident determines that the incident is a bias-motivated incident, the officer shall duly

investigate the incident, as well as promptly notify her or his supervisor and a Maine State Police Civil Rights Officer about the incident.

1. That officer's supervisor shall confer with the responding officer and assist in ensuring that the incident is duly investigated as a bias-motivated incident.
2. The officer's supervisor also shall confer with the Maine State Police Civil Rights Officer who was notified by the responding officer, and shall notify the District Attorney's Office of jurisdiction and the Office of the Attorney General, Division of Investigations of the incident.

B. An officer investigating a bias-motivated incident shall:

1. Ensure that the incident scene is properly preserved and processed.
  - a. If property has been damaged by the posting of content of an inflammatory nature, then the owner of the property shall be contacted and asked to remove, or cause the removal of, such content as soon as possible.
    - (1) The officer later shall follow-up with the property owner to determine whether the inflammatory content was removed.
2. Conduct interviews of all individuals who were involved in the incident.
  - a. The investigating officer may contact other members of the community who might have information relevant to the investigation;
3. Notify other appropriate personnel in the Chain-of-Command;
4. When applicable, work with the Office of the Attorney General, Division of Investigations;
5. When applicable, work with the Office of the District Attorney of jurisdiction to ensure that a legally sound case is developed for criminal prosecution.

D. A Maine State Police Civil Rights Officer who is a sworn officer may take the lead role in providing on-going assistance to the victim of a bias-motivated incident, including, but not limited to:

1. Contacting the victim periodically to check on her or his well-being;
2. Providing information to the victim about the status of the agency's investigation.

#### 4. BIAS-BASED PROFILING STRICTLY PROHIBITED

##### A. Maine State Police personnel **SHALL NOT** engage in bias-based profiling.

1. Maine State Police officers only shall stop and detain individuals when legal authority exists to do so.
2. Maine State Police officers only shall take law enforcement action against individuals when legal authority exists to do so.
3. Maine State Police officers shall base law enforcement actions solely on individuals' conduct and behavior.
4. Maine State Police officers shall not stop, detain, search, or make efforts to seize assets for forfeiture based on an individuals' race, color, ethnicity, gender identity, sexual orientation, religion, sex, ancestry, national origin, physical or mental disability, economic status, age, or cultural group.

a. **ANY SUCH DISCRIMINATORY PRACTICE IS STRICTLY PROHIBITED BY THE MAINE STATE POLICE.**

- B. Complaints of bias-based profiling and any other such discriminatory practice by Maine State Police personnel must be **promptly** referred to the Office of Professional Standards and investigated by that office in accordance with Maine State Police General Order M-7.

#### Designated Maine State Police Civil Rights Officers

- CPL Adam Schmidt: <[Adam.Schmidt@maine.gov](mailto:Adam.Schmidt@maine.gov)>
- CPL Derrick G. Record: <[Derrick.G.Record@Maine.Gov](mailto:Derrick.G.Record@Maine.Gov)>
- DET Lauren A. Edstrom: <[Lauren.A.Edstrom@Maine.Gov](mailto:Lauren.A.Edstrom@Maine.Gov)>
- DET Tucker L. Bonnevie: <[Tucker.L.Bonnevie@maine.gov](mailto:Tucker.L.Bonnevie@maine.gov)>
- DET Tyler S. Plourde: <[Tyler.S.Plourde@maine.gov](mailto:Tyler.S.Plourde@maine.gov)>
- LT David W. Tripp: <[David.W.Tripp@maine.gov](mailto:David.W.Tripp@maine.gov)>
- SGT Aaron M. Turcotte: <[Aaron.M.Turcotte@maine.gov](mailto:Aaron.M.Turcotte@maine.gov)>
- SGT Angela B. Kooistra: <[angela.b.kooistra@maine.gov](mailto:angela.b.kooistra@maine.gov)>
- SGT Chadwick H. Fuller: <[Chadwick.H.Fuller@Maine.Gov](mailto:Chadwick.H.Fuller@Maine.Gov)>
- SGT Christopher P. Farley: <[Christopher.P.Farley@maine.gov](mailto:Christopher.P.Farley@maine.gov)>
- SGT Elisha C. Fowlie: <[Elisha.C.Fowlie@Maine.Gov](mailto:Elisha.C.Fowlie@Maine.Gov)>
- SGT Jason T. Sattler: <[Jason.T.Sattler@Maine.Gov](mailto:Jason.T.Sattler@Maine.Gov)>
- SGT Kristopher C. Kennedy: <[Kristopher.C.Kennedy@maine.gov](mailto:Kristopher.C.Kennedy@maine.gov)>
- TPR Jillian Monahan: <[jillian.M.Monahan@maine.gov](mailto:jillian.M.Monahan@maine.gov)>
- TPR Justin Huntley: <[Justin.Huntley@maine.gov](mailto:Justin.Huntley@maine.gov)>

- Christopher Parr: <[Christopher.Parr@maine.gov](mailto:Christopher.Parr@maine.gov)>

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



# MAINE STATE POLICE GENERAL ORDER

## M-7

**SUBJECT:** MAINE STATE POLICE OFFICE OF PROFESSIONAL STANDARDS

**EFFECTIVE DATE:** 11.12.2019

**RECENT HISTORY:** AMENDED (11.12.2019); TECHNICAL AMENDMENTS (12.16.2013); RESCINDS G.O. 52A (04.18.2008)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Office of Professional Standards ("OPS").

### II. POLICY

1. The policy of the Maine State Police is to investigate, fairly and with all due diligence, all complaints made by citizens against Maine State Police sworn personnel, and that the OPS shall administer and coordinate such investigations.

*Note: Because this is a statutorily-mandated policy, officers shall abide by the policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Commander. "Commander" means the Commanding Officer of a Maine State Police Unit.
    1. "Commanding officer" is synonymous with Commander.
  - B. Director. "Director" means a civilian member of a Unit who is generally responsible for managing and supervising that Unit.
  - C. Unit. "Unit" means a major organizational component of the Maine State Police such as, as examples, the Maine State Police Crime Laboratory, the State Bureau of Identification, or a Troop.

#### **IV. PROCEDURE**

##### **1. OFFICE OF PROFESSIONAL STANDARDS**

- A. The purpose of the OPS is to investigate, fairly and with all due diligence, all complaints made by citizens against Maine State Police sworn personnel, and for the OPS to administer and coordinate such investigations.
- B. The OPS shall consist of at least one (1) Lieutenant and as many other sworn officers as necessary to carry out the duties of the OPS.
- C. A Lieutenant shall be the Commanding Officer of the OPS.
  1. The Commanding Officer of the OPS reports directly to the Lieutenant Colonel; however, all activities of the OPS shall be conducted under the authority of Colonel.
  2. The Commanding Officer of the OPS shall ensure that:
    - a. All OPS records remain confidential as required by Maine law, including, but not limited to, 5 M.R.S.A. § 7070, as applicable;
    - b. Each complaint referred to the OPS is documented;
    - c. A weekly report of the OPS's activities is provided to the Lieutenant Colonel; and
    - d. An annual summary report is prepared by the OPS for the Colonel that includes, but is not limited to, statistical data that will aid in identifying the possible need for training, supervision, or other further appropriate action.

##### **2. REFERRAL OF COMPLAINTS TO THE OPS**

- A. As soon as practicable, any complaint made against an sworn officer of the Maine State Police shall be forwarded through the Chain-of-Command to the OPS.
    - 1. An individual who wishes to file a complaint may use the standardized Maine State Police complaint form to do so. See “Maine State Police Complaint Form”.
3. INVESTIGATION OF COMPLAINTS BY THE OPS
- A. Upon receiving a complaint, the OPS Commander first shall determine if the complaint is one related to job performance or to misconduct.
    - 1. If a determination is made by the OPS Commander that the complaint is one related to job performance, then the complaint must be remanded to the appropriate Unit for corrective action.
    - 2. If a determination is made that the complaint concerns alleged misconduct by a sworn officer, then the OPS Commander shall determine whether the complaint is to be investigated at a Unit level or by the OPS, except that –
      - a. The OPS **shall** conduct the investigation when a complaint alleges serious misconduct by a sworn officer.
        - (1) For the purposes of this paragraph, the term "serious misconduct" includes, but is not limited to, possible or actual criminal conduct.
    - 3. At its option, the OPS may conduct a given investigation when a complaint does not allege any allegations of serious misconduct by a sworn officer, or may assign the complaint to the appropriate Unit for investigation.
  - B. When the OPS conducts an investigation, an investigation report must be completed and then forwarded to the Lieutenant Colonel for review.
    - 1. The OPS's investigation report must include:
      - a. A summary of the complaint made against the sworn officer who is the subject of the investigation;
      - b. The OPS's findings of fact regarding the matter; and

- c. Documentation that the contractual rights of the officer who is the subject of the investigation have been ensured during the investigation.
  2. Interviews conducted during an OPS investigation must be audio recorded, whenever possible.
- C. When a complaint is assigned to a Unit for investigation, that Unit shall forward a report of its investigation to the OPS after the investigation is completed.
  1. The investigation report forwarded to the OPS must include:
    - a. A summary of the complaint made against the sworn officer who is the subject of the investigation;
    - b. The Unit's findings of fact regarding the matter; and
    - c. Documentation that the contractual rights of the officer who is the subject of the investigation have been ensured during the investigation.
  2. An investigation report by a Unit must not include any recommendations regarding either the manner in which the complaint should be disposed or whether disciplinary action should be taken against an officer.
  3. Interviews conducted during a Unit investigation must be audio recorded, whenever possible.
    - a. At the conclusion of the Unit's investigation, all recordings must be forwarded to the OPS with the completed investigation report.
  4. Upon receiving a Unit investigation report, the OPS shall review the report and all audio recordings submitted with it.
    - a. If necessary, the OPS may request from the investigating Unit further information or clarification with respect to the Unit's investigation or the Unit's report.
  5. Once a Unit's investigation is completed to the satisfaction of the OPS Commander, then the OPS Commander shall forward the completed report to the Lieutenant Colonel for review.
- D. At all times during an investigation of a complaint made against a sworn officer, the investigation:

1. Must be conducted in accordance with Maine State Civil Service Laws, including, but not limited to, 5 M.R.S.A. § 7070(2)(E);
2. Must be conducted in accordance with applicable State of Maine, Department of Public Safety, and Maine State Police policies;
3. Must be conducted in accordance with the applicable union contract; and
4. Must ensure that any officer against whom a complaint is made is afforded due process.

#### 4. DISPOSITION OF COMPLAINTS

- A. Once an investigation is completed to the satisfaction of the Lieutenant Colonel, then the Lieutenant Colonel shall determine the disposition of the matter.
- B. Each investigation must result in one of the five following dispositions:
  1. "Unfounded," meaning that the complaint has no factual basis;
  2. "Exonerated," meaning that the complaint has a factual basis, but the conduct of the officer who is the subject of the complaint was lawful or justified and proper;
  3. "Not sustained," meaning that no sufficient evidence was found during the investigation to either prove or disprove one or more complaints made against an officer;
  4. "Sustained," meaning that sufficient evidence was found during the investigation to support one or more complaints made against an officer; or
  5. "Informational," meaning that the case is remanded back to the applicable Unit so that job performance counseling of the officer who was the subject of the investigation may occur.

#### 5. FINAL ACTION ON COMPLAINTS

- A. After an investigation has concluded and a disposition has been reached, final action by the Maine State Police shall be taken with respect to a complaint.
  1. If a complaint is disposed of as "Unfounded," "Exonerated," "Not Sustained," or "Informational," the OPS shall notify the Unit Commanding Officer or Director of that result, who then shall notify the sworn officer against whom the complaint was made.

2. If a complaint is disposed of as “Sustained,” the Colonel, or her or his designee, shall take appropriate administrative, including, if warranted, disciplinary action.
  - a. In taking final action with respect to a complaint, the Colonel, or, if applicable, her or his designee, shall comply with any reporting requirements of the Maine Criminal Justice Academy Board of Trustees, as required by Maine law.
6. NOTIFICATION OF THE COMPLAINANT OF THE FINAL DISPOSITION OF AN INVESTIGATION
  - A. Once an investigation has concluded and a disposition of has been determined, the OPS shall notify the complainant that the Maine State Police has investigated the matter and taken all due and appropriate remedial action.
  - B. If disciplinary action against an officer who is the subject of the complaint is imposed or upheld, then — pursuant to 5 M.R.S.A. § 7070(2)(E) — OPS may send, upon request, the complainant a copy of the “final written decision” — as that term is defined in 5 M.R.S.A. § 7070(2)(E) — relating to that disciplinary action.

## **ATTACHMENT**

*“Maine State Police Complaint Form”*

### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

# MAINE STATE POLICE

## CITIZEN-POLICE COMPLAINT FORM

<b>COMPLAINANT'S NAME</b>		<b>TELEPHONE</b>
FName LName		- -
<b>MAILING ADDRESS</b>		
Mailing Address, Town, ST Zip Code		
<b>DATE/TIME OF ALLEGED OFFENSE</b>	<b>LOCATION OF THE INCIDENT</b>	
Date / Time	Location Of The Incident	
<b>DATE/TIME COMPLAINT RECEIVED</b>	<b>BY WHOM?</b>	
Date / Time	By Whom?	
<b>AUDIO RECORDED COMPLAINT</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>HOW WAS COMPLAINT RECEIVED</b> <input type="checkbox"/> TELEPHONE <input type="checkbox"/> IN PERSON <input type="checkbox"/> EMAIL <input type="checkbox"/> OTHER    Explain Other		
<b>PHOTOGRAPHS TAKEN</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		<b>IN CAR CAMERA AVAILABLE</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>RANK/NAME OF MEMBER INVOLVED</b>	<b>TROOP</b>	<b>TELEPHONE</b>
Rank FName LName	Troop	- -
<b>IMMEDIATE SUPERVISOR</b>		
Rank FName LName		
<b>FORWARDED TO OFFICE OF PROFESSIONAL STANDARDS</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>TO WHOM</b>	<b>DATE / TIME</b>	
FName LName	Date / Time	
<b>WITNESS NAME / ADDRESS</b>		<b>TELEPHONE</b>
FName LName		- -
Mailing Address, Town, ST Zip Code		
<b>WITNESS NAME / ADDRESS</b>		<b>TELEPHONE</b>
FName LName		- -
Mailing Address, Town, ST Zip Code		
<b>DETAILS OF COMPLAINT</b>		
Details Of Complaint (Unlimited Text)		



## MAINE STATE POLICE GENERAL ORDER

### M-8

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING PUBLIC ACCESS TO MAINE STATE POLICE RECORDS

**EFFECTIVE DATE:** 09.03.2019

**RECENT HISTORY:** AMENDED (09.03.2019); AMENDED (07.11.2018); AMENDED (08.18.2017); AMENDED (01.05.2017); AMENDED (08.11.2015); AMENDED (10.31.2013); AMENDED (10.31.2011); AMENDS MSP GO M-8 (02.06.2009); RESCINDS AND REPLACES G.O. 54B (09.16.2008) | **TECHNICAL CORRECTIONS:** WORD CORRECTED IN IV(6)(C) OF ORDER AS AMENDED AND BECOMING EFFECTIVE 08.18.2017 (08.15.2017)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding public access to Maine State Police records.

#### II. POLICY

1. The policy of the Maine State Police is to ensure that –
  - A. In accordance with the Maine Intelligence and Investigative Record Information Act (*see generally* 16 M.R.S.A. c. 9, "Intelligence and Investigative Record Information Act") and other applicable law, records that by law are confidential or otherwise not publicly accessible remain protected and are not publicly accessed or disseminated; and
  - B. In accordance with the Maine Freedom of Access Act (*see generally* 1 M.R.S.A. c. 13, "Public Records and Proceedings"), individuals shall be provided access to any public record in the custody of the Maine State Police within a reasonable period of time after making a request for access to the record.

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Access. "Access" means:
    1. When used as a verb, to inspect or to obtain copies of;
    2. When used as a noun, an opportunity to inspect or obtain copies of any record.
  - B. Administration of criminal justice. "Administration of criminal justice" means "activities relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible civil violations and prospective and pending civil actions. It includes the collection, storage and dissemination of intelligence and investigative record information relating to the administration of civil justice. 'Administration of civil justice; does not include known, suspected or possible traffic infractions.'" 16 M.R.S.A. § 803(2).
  - C. Criminal justice agency. "Criminal justice agency" means "a federal, state or State of Maine government agency or any subunit of a government agency at any governmental level that performs the administration of criminal justice pursuant to a statute or executive order. 'Criminal justice agency' includes the Department of the Attorney General, district attorneys' offices and the equivalent departments or offices in any federal or state jurisdiction. 'Criminal justice agency' also includes any equivalent agency at any level of Canadian government and the government of any federally recognized Indian tribe." 16 M.R.S.A. § 803(4).
  - D. Dissemination. "Dissemination" means "the transmission of information by any means, including but not limited to orally, in writing or electronically, by or to anyone outside the criminal justice agency that maintains the information." 16 M.R.S.A. § 803(5).
  - E. FOAA. "FOAA" is the acronym for the Maine Freedom of Access Act. *See generally* 1 M.R.S.A. c. 13, Public Records and Proceedings.
  - F. FOAA request. "FOAA request" means a request for records, regardless of whether the person making the request expressly cites the Maine Freedom of Access Act when making the request.
  - G. Intelligence and investigative record information. "Intelligence and investigative record information" means "information of record collected by or prepared by or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency while performing the administration of criminal justice or, exclusively for the Department of the Attorney General and district attorneys' offices, the administration of civil justice. 'Intelligence and investigative record information' includes information of record concerning investigative techniques and procedures and security plans and procedures prepared or collected by a criminal justice agency or other agency. 'Intelligence and investigative record information' does not include criminal history record information as defined in section 703, subsection 3 and does not include information of record collected or kept while performing the administration of juvenile justice." 16 M.R.S.A. § 803(7).

- H. Investigative record. "Investigative record " means any record (including, but not limited to, any record maintained in paper, electronic, video, or audio format) prepared by, prepared at the direction of, or kept in the custody of the Maine State Police that includes or itself constitutes "intelligence and investigative record information," as that term is defined at 16 M.R.S.A. § 803(7) and in this policy.
  - 1. For the purposes of this policy, "investigative records" includes, but is not limited to, records containing or themselves constituting intelligence information.
- I. Public record. "Public record" has the same meaning as the term "public records" at sub-§ 3 of 1 M.R.S.A. § 402.
  - 1. The term "public record" does **NOT** include "[r]ecords that have been designated confidential by statute." 1 M.R.S.A. § 402(3)(A).
- J. Records Unit. "Records Unit" means the Maine State Police Records Unit.
- K. Staff Attorney. "Staff Attorney" means the Maine State Police Staff Attorney.
- L. Traffic Safety Unit. "Traffic Safety Unit" means the Maine State Police Traffic Safety Unit.

#### IV. PROCEDURE

- 1. GENERAL RIGHT OF THE PUBLIC TO ACCESS MAINE STATE POLICE RECORDS
  - A. Except as otherwise provided by law, every person has the right to access any public record in the custody of the Maine State Police during the regular business hours of the agency or Maine State Police employee having custody of the public record, within a reasonable period of time after making a request to access the record.
  - B. A written or spoken request made by a person to access a Maine State Police record is presumed to be a request made pursuant to the Maine Freedom of Access Act, regardless of whether the person expressly cites that law in making the request.
  - C. The Maine State Police does not maintain "standing" FOAA requests – that is, FOAA requests that would require production of records on a "rolling" or ongoing basis after the date a given request was received by the agency.
    - 1. Said differently, only records existing and in the custody of the Maine State Police as of the date a given FOAA request is received by the agency shall be considered to be subject to production in response to such a request.
    - 2. The fact that the Maine State Police does not maintain "standing" FOAA requests does not prevent any individual from making other FOAA requests at a subsequent time, including, but not limited to, requests made previously for a certain record or type of record.
- 2. FREEDOM OF ACCESS ACT CONTACT FOR THE MAINE STATE POLICE

- A. The Colonel shall designate an employee of the Maine State Police to serve as the agency's contact for persons wanting to request access to Maine State Police records.
  - B. The person designated by the Colonel shall be generally knowledgeable of the Maine Freedom of Access Act, and, except as otherwise provided in this policy, the person shall, when necessary, coordinate, facilitate, and/or respond to requests for access to Maine State Police records.
3. PERMISSIBLE DISCLOSURE OF INVESTIGATIVE RECORDS BY SWORN MEMBERS OF THE MAINE STATE POLICE
- A. **Disclosure to Prosecutor Offices.** A copy of an investigative record may be disclosed to the office responsible for the criminal prosecution of the incident to which that record relates.
    - 1. Prosecutor offices include Offices of Maine District Attorneys, the Maine Office of the Attorney General, and the United States Attorney's Office for the District of Maine.
  - B. **Disclosure to Another Law Enforcement Agency.** Through the Records Unit, a copy of an investigative record may be disclosed to a member of another law enforcement agency.
  - C. **Disclosure to a Maine Court.** A copy of an investigative record may be disclosed to a Maine Court, **if** prior authorization to do so is given in writing by that Court **and** the written Order requires the production of the record to the Court.
    - 1. The copy of the investigative record must be disclosed in the manner authorized by the Court in each instance.
    - 2. If the Maine State Police receives a written Court Order to produce an investigative record at a future time and date, the Order is to be forwarded **as soon as possible** to the Records Unit or Staff Attorney.
  - D. **Disclosure of Mandated Reporting Information.** Investigation information must be disclosed to the Department of Health and Human Services ("DHHS") to the fullest extent necessary to ensure that a report mandated by law is made to DHHS regarding the actual or suspected abuse, neglect, or exploitation of an incapacitated or dependent adult or a child. See generally 22 M.R.S.A. § 3477, "Persons mandated to report suspected abuse, neglect or exploitation" and 22 M.R.S.A. § 4011-A, "Reporting of suspected abuse and neglect".
    - 1. Requests from DHHS, however, for a copy of an investigative record made after an initial mandated report was made must be directed to the Records Unit or Staff Attorney.
  - E. **Disclosure of investigative information and related documentation to a sexual assault counselor or a domestic violence victim's advocate.** Investigative information and related

documentation (such as, e.g., affidavits and "ODARA Item Summary" forms, and unofficial, preliminary notes or synopses, if available) may be disclosed to a sexual assault counselor, as defined in 16 M.R.S.A. § 53-A(1)(B), or an advocate, as defined in section 16 M.R.S.A. § 53-B(1)(A), when such information and documentation is needed to plan for the safety of a victim involved in an incident that is (or was) the subject of an investigation and "time is of the essence."

1. For the purposes of this subsection "time is of the essence" is to be determined by the exigency of the need for the information for the timely safety planning for a victim.
  - a. If time is **not** of the essence, counselors and advocates must direct requests for copies of investigative records to the Records Unit.
4. SPECIFIC TYPES OF REQUESTS TO ACCESS RECORDS THAT MAY BE IN THE CUSTODY OF THE MAINE STATE POLICE
  - A. **Requests to Access Records Made via a Motion for Discovery in a Criminal Case.** Requests to access records pursuant to a motion for discovery relating to a pending criminal case must be directed to the District Attorney's Office having jurisdiction over the case to which the request relates, or to the Office of the Attorney General in instances in which that office has jurisdiction over the case.
    1. If the District Attorney's Office or Office of the Attorney General requests that a Maine State Police employee provide records to a person making the discovery request, the employee shall do so by providing the requested records directly to the District Attorney's Office (or, if applicable, directly to the Office of the Attorney General), so that that District Attorney's Office or the Office of the Attorney General may then provide the records to the person making the discovery request.
      - a. If the District Attorney's Office or Office of the Attorney General provides prior, written authorization for a Maine State Police employee to provide records directly to a person making a discovery request in a criminal case, then the employee may do so.
  - B. **Requests to Access Records Pursuant to a Motion for Discovery in a Civil Case.** Requests to access records pursuant to a motion for discovery relating to a pending civil case must be directed to the Staff Attorney.
  - C. **Requests to Access Records Pursuant to a Motion for Discovery in a Traffic Court Case.** Requests to access records – including, but not limited to, cruiser camera video recordings – pursuant to a motion for discovery relating to a pending Traffic Court case must be directed to the Staff Attorney.

1. Written discovery motions relating to pending Traffic Court cases must be forwarded by email, fax, or postal mail to the Staff Attorney.
- D. **Requests to Access Records Pursuant to Subpoena to Inspect or Copy Records.** Requests to access records pursuant to a subpoena (whether related to a civil or criminal case) for the inspection or copying of records must be directed to the Staff Attorney.
- E. **Requests to Access Maine State Police Investigative Records.** Under Maine law, Maine State Police investigative records (and all attachments to such records) typically contain or themselves constitute confidential "intelligence and investigative record information," the public dissemination of which is restricted by law.
1. **Accordingly, investigative records may only be accessed by or disseminated to a member of the public if, and to the extent, permitted by law.**
    - a. **When public access to or dissemination of an investigative record is permitted by law, such dissemination must be through or by the Records Unit, Traffic Safety Unit, or the Staff Attorney, as applicable.**
- E. **Requests to Access Criminal History Records.** Requests to access public criminal history record information must be directed to the Maine State Police, State Bureau of Identification.
1. A person also may request a copy of such information via the Internet at the following website:  
<http://www5.informe.org/online/pcr/>.
- F. **Requests to Access Motor Vehicle Crash Report.** Requests to access motor vehicle crash reports must be directed to the Traffic Safety Unit.
1. A person also may request a copy of such a report via the Internet at the following website: <https://www1.maine.gov/online/mcrs/>.
- G. **Requests to Access Traffic Summonses.** Requests to access Uniform Summons and Complaints ("USACs") or Violations Summons and Complaints ("VSACs") must be directed to the Staff Attorney.
- H. **Requests to Access E-9-1-1 system records.** Requests to access E-9-1-1 system records must be directed to the Department of Public Safety, Bureau of Consolidated Emergency Communications.
1. Access to E-9-1-1 system records is governed by 25 M.R.S.A. § 2929, "Confidentiality of system information".
- I. **Requests to Access Records of Crimes Alleged or Proven to have been Committed by Juveniles.** Except as otherwise provided in this policy, requests to access records relating to a crime alleged or proven to

have been committed by a juvenile must be directed to the Records Unit or Staff Attorney.

1. Generally speaking, public access to and dissemination of such records is **HIGHLY RESTRICTED**.
2. Relevant sections of the Maine Juvenile Code to consult regarding disclosure of such records include:
  - a. 15 M.R.S.A. § 3009, “Information related to reintegration of juvenile into school”;
  - b. 15 M.R.S.A. § 3301, “Preliminary investigation, informal adjustment and petition initiation”;
  - c. 15 M.R.S.A. § 3307, “Publicity and record”;
  - d. 15 M.R.S.A. § 3308, “Court records; inspection”;
  - e. 15 M.R.S.A. § 3308-A, “Dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency”; and
  - f. 15 M.R.S.A. § 3316, “Commitment to the Department of Corrections or the Department of Health and Human Services”.

J. **Requests to Access Personnel files.** Requests to access a Maine State Police employees’ personnel files must be directed to the Staff Attorney.

1. **MANY TYPES OF RECORDS IN MAINE STATE POLICE EMPLOYEES' PERSONNEL FILES ARE CONFIDENTIAL BY LAW. See 5 M.R.S.A. §§ 7070 & 7070-A.**

K. **Giglio Inquiries.** *Giglio* inquiries must be directed to the Staff Attorney.

5. **EXPECTATION OF PRIVACY OF PERSONAL INFORMATION INCLUDED IN EMPLOYEE COMMUNICATIONS SUCH AS E-MAIL AND TEXT MESSAGES**

A. **Maine State Police personnel should have no expectation of privacy regarding any personal information they include in records prepared or created using any State-owned information technology system (including, but not limited to, the State of Maine e-mail system) or State-owned communications equipment (including, but not limited to, cell phones) or resources.**

6. **USE OF PERSONAL COMMUNICATION SYSTEMS AND EQUIPMENT TO CONDUCT OFFICIAL STATE OF MAINE BUSINESS**

A. The intent of the FOAA must not be frustrated through the use by personnel of personal communications systems (for example, personal e-mail accounts) or personal equipment (e.g., personal computers or personal cellular telephones) to conduct official State of Maine business.

B. **Employees must presume that records resulting from the use of personal communication systems or personal equipment to conduct official State of Maine business are public records –**

**subject to production pursuant to the FOAA – if they fall within the scope of a request for records that has been made by a member of the public.**

1. EXAMPLE: An e-mail sent or received by an employee through the employee's personal e-mail account must be presumed by the employee to be a public record – subject to production pursuant to the FOAA – if the content of the e-mail relates in whole or part to official State of Maine business.
2. EXAMPLE: A text message sent or received by an employee through use of the employee's personal cell phone or personal smart phone must be presumed by the employee to be a public record – subject to production pursuant to the FOAA – if the content of the text message relates in whole or part to official State of Maine business.

**IMPORTANT NOTE>> THE USE OF A PERSONAL DEVICE (SUCH AS, AS EXAMPLES, A PERSONAL CELL PHONE OR PERSONAL COMPUTER) TO CONDUCT OFFICIAL STATE OF MAINE BUSINESS POTENTIALLY COULD RESULT IN THE DEVICE ITSELF BEING SUBJECT TO SUBPOENA OR COURT ORDER, INCLUDING FOR THE PURPOSES OF BEING FORENSICALLY ANALYZED OR SEARCHED.**

#### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



# MAINE STATE POLICE GENERAL ORDER

## M-9

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING DEATH INVESTIGATIONS

**EFFECTIVE DATE:** 10.31.2018

**RECENT HISTORY:** AMENDED (10.31.2018); TECHNICAL AMENDMENT (04.17.2018); TECHNICAL AMENDMENT (04.09.2018); AMENDED (11.30.2017); AMENDED (ATTACHMENT UPDATED)(10.30.2013); AMENDED: ATTACHMENT UPDATED (10.30.2012); REVISES MSP GO M-9 (05.25.2010); NEW (12.18.2007)

**TECHNICAL AMENDMENTS:** REDACTED VERSION OF PROTOCOL RE-POSTED (04.09.2018 POSTING FAILED)(04.17.2018); REDACTED VERSION OF PROTOCOL POSTED (04.09.2018); 2017 PROTOCOL ATTACHED (11.01.2017)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding death investigations.

### II. POLICY

1. The policy of the Maine State Police is to investigate, in accordance with this policy and applicable provisions of the most recent Maine Department of the Attorney General's *Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons*, incidents during which a death has occurred.

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. MCU. "MCU" is the acronym for Maine State Police Major Crime Unit.
  - B. MDEA. "MDEA" is the acronym for Maine Drug Enforcement Agency.
  - C. OCME. "OCME" is the acronym for Office of the Chief Medical Examiner.
  - D. Protocol. "Protocol" means the Maine Department of the Attorney General's *Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons*.

### **IV. PROCEDURE**

1. INVESTIGATION OF DEATHS
  - A. In addition to abiding by all applicable provisions of the Protocol, the Maine State Police shall investigate incidents during which a death has occurred as follows:

1. **Homicides or suspected homicides.** Officers shall assist the MCU of jurisdiction and the OCME during this type of death investigation;
2. **Cases involving violent unnatural, unexplained, or suspicious deaths.** Officers shall coordinate with the MCU of jurisdiction and the OCME during this type of death investigation;
3. **Cases involving deaths caused by fire or explosion.** Officers shall assist the Office of the State Fire Marshal and the OCME during this type of death investigation;
4. **Cases involving hunting deaths.** Officers shall assist the Maine Warden Service, the MCU of jurisdiction, and the OCME during this type of death investigation;
5. **Cases involving deaths while the deceased was in custody or confinement.** Officers shall assist the Department of Corrections, the MCU of jurisdiction, and the OCME during this type of death investigation;
6. **Cases involving police-involved deaths.** Officers shall assist the Investigation Division of the Department of the Attorney General and the OCME during this type of death investigation.

- a. Officers also shall act in accordance with MSP GO M-1, MAINE STATE POLICE POLICY REGARDING THE USE OF FORCE, with respect to such investigations;
  7. **Cases involving workplace deaths.** Officers shall coordinate with the MCU of jurisdiction and the OCME—as well as investigators from the Occupational Health and Safety Administration or the Maine Bureau of Labor Standards, if necessary—during this type of death investigation;
  8. **Cases involving child deaths.** Officers shall assist the MCU of jurisdiction and the OCME during this type of death investigation;
  9. **Cases involving drug overdose deaths.** Officers shall coordinate with the MDEA and the OCME during this type of death investigation.
    - a. The responding law enforcement agency is primarily responsible for all aspects of these investigations, including, but not limited to, proper crime scene processing and coordination with the OCME and the MDEA.
    - b. As part of their investigation, officers shall conduct a proper inventory of all prescription drugs found at the scene of the investigation.
      - (1) Such inventory is to include the name of each such drug, the prescribed drug dosage, the date the drug was prescribed, the number of pills or dosages that were prescribed, the number of pills or dosages remaining, the name of the physician prescribing the drugs, and the name of the pharmacy dispensing the drugs.
      - (2) If there is reason to believe that medications in the household prescribed to someone else were ingested by the victim, those medications should likewise be inventoried.
2. PROCEDURES FOR THE RELEASE OF PUBLIC STATEMENTS DURING DEATH INVESTIGATIONS

- A. Officers shall generally follow the provisions set forth in the Protocol regarding the release of public statements during death investigations.
- B. Officers shall not release public statements unless first expressly authorized to do so by the Office of the Attorney General, per the Protocol.
- C. An MCU having jurisdiction over a death investigation may release information relating to the investigation only after consulting with the Office of the Attorney General and, if necessary and appropriate, the OCME.

3. CONFLICTS BETWEEN THIS POLICY AND THE PROTOCOL

- A. To the extent there are any procedure-related conflicts between the provisions of this policy and the Protocol, officers are to defer to the provisions of the Protocol.

**ATTACHMENT**

- **Maine Office of the Attorney General *Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons***

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

JANET T. MILLS  
ATTORNEY GENERAL

TEL: (207) 626-8800  
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STATE OF MAINE  
OFFICE OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:

84 HARLOW ST., 2<sup>ND</sup> FLOOR  
BANGOR, MAINE 04401  
TEL: (207) 941-3070  
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301  
Portland, Maine 04101  
TEL: (207) 822-0260  
FAX: (207) 822-0259

14 ACCESS HIGHWAY., STE 1  
CARIBOU, MAINE 04736  
TEL: (207) 496-3792  
FAX: (207) 496-3291

August 15, 2017

Dear Colleague:

The Attorney General's death investigation protocol has been updated. A copy is enclosed. We have worked closely with the criminal justice and forensic communities to enhance certain investigative procedures. All law enforcement officers responding to a situation involving a death, a suspected or anticipated death, or a missing person are required to follow the protocol. The protocol is especially designed for first responders.

The major changes in the protocol are reflected in an expanded title. Formerly the Protocol for the Investigation of Deaths, the new guidelines are entitled the Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, and are designed to emphasize the importance of notifying the appropriate agencies in situations where death is imminent, reasonably anticipated or suspected, and certain cases of missing persons. Even in those situations where death has not yet occurred, timely implementation of these procedures and notifications is critical to preserving important evidence.

Major changes include: (1) in the case of a missing person, the timely issuance of a File 6 and inclusion in the computer files of MSP and NCIC and, under certain circumstances, the notification of the Major Crimes Unit and the Office of Chief Medical; (2) reporting of a death or anticipated death of an individual while interacting with law enforcement; (3) notification of the Major Crimes Unit of a suspected suicide; and (4) new requirements in the case of an in-water death.

Finally, please remain cognizant of the importance and necessity of complying with the part of the protocol relating to public comments or other public release of information. It is essential to the integrity of these investigations that the procedures be followed, and that public release of information be coordinated with this office and/or the investigative agencies designated in the protocol.

Thank you for your continued cooperation in providing the high level of services that Maine citizens deserve and to which they have become accustomed.

Sincerely,

s/Janet T. Mills

JANET T. MILLS  
Attorney General



Maine Office of the

Attorney General

**PROTOCOL FOR THE  
INVESTIGATION OF  
DEATHS,  
PROBABLE DEATHS,  
AND  
MISSING PERSONS**

**JANET T. MILLS  
Attorney General**

**August 15, 2017**

**INVESTIGATION OF DEATHS, PROBABLE DEATHS, AND MISSING PERSONS**

<b>Augusta RCC</b>	<b>624-7076</b>	<b>800-452-4664</b>
<b>Gray RCC</b>	<b>657-3030</b>	<b>800-228-0857</b>
<b>Bangor RCC</b>	<b>973-3700</b>	<b>800-432-7381</b>
<b>Houlton RCC</b>	<b>532-5400</b>	<b>800-924-2261</b>
<b>Bangor PD</b>	<b>947-7382</b>	<b>947-7382 x1 (CID)</b>
<b>Portland PD</b>	<b>874-8575</b>	<b>874-8526 (CID)</b>

**Criminal Division – Office of the Attorney General**

<i>Name</i>	<i>Office</i>	<i>Home</i>	<i>Work Cell</i>	<i>Personal Cell</i>
Lisa Marchese, Deputy AG	626-8508		557-5688	
John Alsop, Assistant AG	626-8567		557-5655	
Meg Elam, Assistant AG Summer	626-8580		441-6149	
Bud Ellis, Assistant AG	626-8833		441-1024	
Leane Zainea, Assistant AG	626-8514		446-2330	

**In all cases, contact Office of Chief Medical Examiner – 800-870-8744**  
**(Toll free number is for law enforcement use only.)**

***FIRE AND EXPLOSION DEATH***  
 Contact Office of the State Fire Marshal through RCC

***HUNTING DEATH***  
 Contact Maine Warden Service through RCC

***DEATH WHILE IN CUSTODY OR CONFINEMENT***  
 (Jail, Holding Facility, Correctional Institution)  
 Contact appropriate Major Crimes Unit through RCC  
 Contact Department of Corrections:  
 Gary LaPlante: Office 287-4392–Cell [REDACTED] or  
 Ryan Anderson: Office 287-4364–Cell [REDACTED]

***USE OF DEADLY FORCE BY LAW ENFORCEMENT or***  
***DEATH ATTENDED BY LAW ENFORCEMENT***  
 Contact Investigation Division of Attorney General’s Office  
 Brian MacMaster– Office 626-8520 – Cell [REDACTED] – Home [REDACTED]

***WORKPLACE DEATH***  
 Contact Office of Chief Medical Examiner

***MISSING PERSON***  
 Contact appropriate Major Crimes Unit through RCC and Office of Chief Medical Examiner

***SUICIDE or DEATH OF CHILD LESS THAN 3 YEARS OF AGE***  
 Contact appropriate Major Crimes through RCC and Office of Chief Medial Examiner

***DRUG OVERDOSE***  
 Contact appropriate Major Crimes Unit through RCC  
 Contact MDEA District Supervisor



Maine Office of the  
**Attorney General**

## **Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons**

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### I. BACKGROUND

A. The purpose of this protocol is to establish procedures for law enforcement agencies in cases involving deaths, situations where death appears imminent, situations where death is reasonably suspected, and missing persons. Timely implementation of these procedures and notifications is often critical. Accordingly, this protocol and its required notifications apply to cases of death, cases when it is reasonably anticipated that death may result, cases where death is reasonably suspected, or a missing person under suspicious or unusual circumstances.

B. Technical assistance and expertise are indispensable to the successful investigation of these cases. The Office of the Attorney General and the Office of Chief Medical Examiner will continue to rely upon the State Police Major Crimes Unit as its primary death investigative arm, except in the City of Portland and the City of Bangor where the respective police department is the primary death investigative arm.<sup>1</sup>

### II. IMPORTANCE OF DEATH SCENE CONTROL

Control of the death scene is a primary focus of these procedures. Often, the medical examiner and medico-legal death investigator can gain valuable insight into the cause, manner and circumstances of death, as well as the time of death, from viewing the scene and viewing the body at the scene. Moreover, the scene is sometimes replete with subtle clues that could aid in the identification or discovery of a perpetrator. All, or a significant part, of this evidence could be lost through inadvertent disturbance of the scene by persons lacking the required expertise.

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<sup>1</sup> References to "MCU" mean the State Police Major Crimes Unit and the respective criminal investigation divisions of the Portland Police Department, and the Bangor Police Department.

### III. PROCEDURES IN ALL CASES

A. Initial Procedures. The first law enforcement officer at the scene of a death, a situation involving a probable death, or a missing person under suspicious or unusual circumstances should, without disturbing the body or scene:<sup>2</sup>

1. Conduct a cursory search of the premises for the limited purpose of determining if there are perpetrators or other victims present.
2. Determine that death has in fact occurred. If there is any evidence of life, initiate all necessary life-sustaining measures.
3. Make a cursory examination of the scene to determine if the circumstances are at all suspicious. (All deaths or injuries resulting from gunshot wounds are suspicious until a thorough investigation has determined otherwise.) If the circumstances are at all suspicious (or there is no body, but there is a possibility that a death or foul play may have occurred), the following procedures will be followed:
  - (a) Secure and protect the scene. Do not move or otherwise disturb a body unless it is in immediate danger of destruction or further damage.
  - (b) Notify supervisors, the Office of Chief Medical Examiner, and MCU. The Office of Chief Medical Examiner will notify the Office of the Attorney General. If you wish, you may obtain the name and telephone number of the Attorney General Duty Officer from the Office of Chief Medical Examiner or the Regional Communications Center (RCC), enabling you to be in direct contact with the Duty Officer.
  - (c) Record names, addresses, telephone numbers, and other pertinent information of all persons present or assign another person to this task.
  - (d) Maintain a timetable of all persons arriving and leaving the scene.
  - (e) Unless circumstances require it, do not arrest or detain a suspect without prior authorization of the MCU detective in charge or the Attorney General Duty Officer.
  - (f) If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing this

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<sup>2</sup> See the attached Death Investigation guide.

procedure with the MCU detective in charge or the Attorney General Duty Officer. Be prepared to electronically record any statements volunteered or spontaneously made by a suspect.

- (g) Determine if a child has lost both parents as a result of homicide or has lost one parent and the other parent has been arrested, detained or committed to a correctional facility or mental health facility for an offense related to a homicide, and advise MCU, which is then responsible for notifying the Maine Bureau of Child and Family Services at 800-452-1999.<sup>3</sup>

B. In a case of an accidental death, including a motor vehicle crash, contact the Office of the District Attorney and the Office of Chief Medical Examiner.

C. Deaths NOT reportable. A death from natural causes that is certified by a physician and is not suspicious need not be reported to the Office of Chief Medical Examiner.

D. Attendance at Examination or Autopsy. The Office of Chief Medical Examiner may arrange for a local medical examiner or medico-legal investigator to conduct an examination of a body at a local funeral home, or an autopsy may be conducted at the Office of Chief Medical Examiner in Augusta. In either situation, the investigating officer or a representative of the investigating agency should be available for the examination or autopsy so that the medical examiner or investigator is fully aware of all the known facts and circumstances regarding the scene and the investigation.<sup>4</sup>

#### IV. PROCEDURES FOR CASES WITH SPECIAL CIRCUMSTANCES

##### ***A. Fire or Explosion Death***

The State Fire Marshal is the official representative of the Attorney General in the investigation of fires or explosions resulting in a fatality. The law enforcement officer or firefighter discovering a body in a fire or following an explosion shall notify the Office of the State Fire Marshal and the Office of Chief Medical Examiner. The scene is not be disturbed or the body moved, unless the body is in immediate danger of destruction or further damage. If the case is one of suspected arson or an otherwise suspicious death, it is to be handled as any other suspicious death, which includes notifying the appropriate MCU.

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<sup>3</sup> 17-A M.R.S. § 4023

<sup>4</sup> When death has not occurred, but is probable or reasonably anticipated, the Office of Chief Medical Examiner needs the admission bloods from the first hospital where the patient was treated. Hospitals usually discard blood after seven days unless requested to preserve it. Accordingly, law enforcement must notify the OCME in such cases so that bloods are preserved in possible delayed deaths.

***B. Hunting Death***

The State Warden Service is the official representative of the Attorney General in the investigation of a hunting fatality. The law enforcement officer encountering an apparent hunting fatality shall notify the State Warden Service by calling the appropriate RCC and the Office of Chief Medical Examiner. The State Warden Service will in turn notify the appropriate MCU for assistance in conducting the investigation. The scene is not to be disturbed or the body moved, unless the body is in immediate danger of destruction or further damage.

***C. Death while in custody or confinement***

**1. Jail, Holding Facility, Correctional Institution.** The death or probable death of an individual while in custody or confinement in a jail, holding facility, or correctional institution, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the Operations Division of the Department of Corrections. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Operations Division of the Department of Corrections is responsible for conducting an investigation into the operational practices, policies, and procedures to determine compliance with required standards. The Attorney General's Office will thereafter review all investigative results.

**2. Mental Health Facility.** The death or probable death of an individual while in custody or confinement as a result of an order to undergo a mental health examination<sup>5</sup>, being involuntarily committed to a mental institution following acceptance of a negotiated insanity plea or following a verdict or finding of insanity<sup>6</sup>, or having been taken into protective custody<sup>7</sup>, regardless of the likely cause, manner and circumstances, is to be reported immediately to the Office of Chief Medical Examiner and the appropriate MCU. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Attorney General's Office will thereafter review all investigative results.

**3. Death Attended by Law Enforcement.** The death or probable death of an individual while interacting with law enforcement, regardless of the likely cause, manner, and circumstances, requires an immediate report to the Investigation Division of the Office of the Attorney General and the Office of Chief Medical Examiner.

***D. Deadly Force by Law Enforcement***

When a law enforcement officer uses deadly force in the performance of the officer's duties, regardless of the outcome, immediate reporting to the Investigation Division of the

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<sup>5</sup> 15 M.R.S.A. § 101-B

<sup>6</sup> 15 M.R.S.A. § 103

<sup>7</sup> 34-B M.R.S.A. § 3862

Attorney General's Office is required. If death was the outcome, the Attorney General's Office will contact the Office of Chief Medical Examiner.<sup>8</sup>

***E. Workplace death***

The "workplace manslaughter" statute may be applicable to a situation where an employee dies in the workplace. The investigation of a workplace death is the responsibility of the responding law enforcement agency, but requires an immediate report to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner will notify the Office of the Attorney General and, if necessary for assistance, the appropriate MCU. It is also likely that investigators from the Occupational Health and Safety Administration (OSHA) or the Maine Bureau of Labor Standards (BLS) will be assigned to assist in the investigation. In the initial scene investigation, law enforcement officers should treat the situation as they would a vehicular manslaughter, securing photographs, measurements, and other evidence.

***F. Death of Child less than 3 years***

Sections II and III are applicable when responding to a child death. In addition to the Office of Chief Medical Examiner, MCU is to be contacted in any case of the death of a child under the age of three years. Singling out deaths of young children for special investigation is necessary because of the different technical approach and types of inquiry required in pursuing the investigations.

***G. Suicide***

When the circumstances of death suggest a suicide, MCU and the Office of Chief Medical Examiner must be notified.

Immediately send suicide notes to the Office of Chief Medical Examiner.<sup>9</sup> If not convenient, fax a copy or email a picture while the originals take their time through the mail or other transport. Do not send such material with the body.

NOTE: If the deceased is less than 17 years of age or in custody or confinement, the death (or anticipated death) will be investigated by MCU.

***H. Suspected Drug Overdose***

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<sup>8</sup> See the attached *Attorney General's Protocol for the Reporting of the Use of Deadly Force by a Law Enforcement Officer*.

<sup>9</sup> State law provides that original written or recorded material, including text messages or other electronic media, that may express suicidal intent, e.g., "suicide note," must be provided to the Office of Chief Medical Examiner. 22 M.R.S. § 3028(5). The law also declares such material to be confidential, i.e., not subject to public access.

Cases of a suspected drug overdose resulting in death or serious bodily injury require special attention. The purpose of the investigation in each case is to determine, to the extent possible, the cause, manner, and circumstances surrounding the drug overdose, the identity of the drug involved, and the source of the drug. Furnishing scheduled drugs that result in the death or serious bodily injury of a person is a serious crime. In all cases of suspected drug overdose, the following procedures are required:

1. Notification of the Office of Chief Medical Examiner (if death has occurred or is reasonably anticipated) and MCU.
2. Notification of the appropriate MCU and the district supervisor of the Maine Drug Enforcement Agency (MDEA). The MDEA supervisor will determine if sufficient information exists to initiate an investigation into the source of the drug(s) suspected of causing the overdose. The responding agency, in consultation with MCU, is primarily responsible for all aspects of the investigation, to include proper crime scene processing and coordination with the Office of Chief Medical Examiner and MDEA. The MDEA supervisor will immediately notify the appropriate prosecutor of the suspected overdose and the ensuing investigation.
3. A thorough scene investigation is necessary to determine the cause, manner, and circumstances surrounding the overdose. This includes witness statements, inventory of any drugs or drug paraphernalia, cell phone information, information about the victim's medical or mental health history, and identification of all known treating physicians. One aspect of an investigation is to determine if the victim possessed any drugs other than those legally prescribed.
4. Medications, illicit drugs, or substances thought to be illicit drugs at the scene are to be secured as evidence. Do not leave such evidence with the body for transport or at a funeral home. Inventory and record the evidence and fax a copy of the inventory or evidence receipt to the Office of Chief Medical Examiner at 624-7178.<sup>10</sup> A proper inventory of the items includes the name of the drug, the dosage, the date of prescription, the number of pills prescribed, the number of pills remaining, the name of the prescribing physician, and the name of the dispensing pharmacy. If there is reason to believe that the victim ingested medications prescribed to someone else, those medications should likewise be inventoried. (A form for documenting this inventory is attached.)
5. The actual cause of death in suspected drug overdoses is not readily apparent, and may not be determined for several weeks pending the results of toxicology. These cases are to be investigated until the investigating agency, MCU, and the Office of

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<sup>10</sup> See the attached *Drug/Medication Inventory* form.

Chief Medical Examiner have determined no further investigation is necessary and/or the cause and manner of death are determined.

***I. In-water Death***

Deaths of persons found in water require notification to the Office of Chief Medical Examiner and the appropriate MCU, and may be specially investigated because of the different technical approach and types of inquiry needed in pursuing such investigations. There are three types of categories for water-related deaths: accidental, suicidal, and homicidal. When law enforcement officers respond to the scene of an aquatic/marine related death and foul play is either obvious or suspected, the responding officer should follow this protocol as stated in Section II and III above. The decision to specially investigate will be made on a case-by-case basis by the Office of Chief Medical Examiner, usually in collaboration with an appropriate police authority and the Attorney General's Office. Even when not specially investigated, an investigation is still necessary as in any medical examiner case.

***J. Missing Person***

In addition to the requirements set out in state law in the Missing Children Act<sup>11</sup>, the report of a missing person – child or otherwise – requires within two hours of the report the issuance of a File 6 and inclusion in the computer files of the Maine State Police and National Crime Information Center (NCIC). Within eight (8) hours of the missing person report, notification of MCU is required unless there are suspicious or unusual circumstances, in which case immediate notification of MCU is required. An example of “unusual circumstances” is a reported absence under circumstances inconsistent with established patterns of behavior.

State law also requires that the Office of Chief Medical Examiner maintain information on missing persons.<sup>12</sup> Accordingly, if a person reported as missing is not located within 24 hours of the report, notification to the Office of Chief Medical Examiner is required.

***K. Line-of-duty death of a firefighter.*** It is imperative to notify the Office of the State Fire Marshal as soon as possible in the event of the death of a firefighter in the line of duty. The federal Public Safety Officers Benefits (PSOB) Program provides death and education benefits to survivors of fallen firefighters, and the State Fire Marshal is the entity that carries out the provisions of a Line-of-Duty Death Response Plan that will assure compliance with the requirements of the PSOB Program.

V. PUBLIC STATEMENTS

Only the Office of the Attorney General is authorized to disseminate information or public statements in homicide or suspected homicide cases. The appropriate MCU may

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<sup>11</sup> 25 M.R.S. chapter 257.

<sup>12</sup> 22 M.R.S. § 3034.

disseminate information in these cases only after consultation with and approval of the Office of the Attorney General.

A. Examples of information that may be released in investigations covered by this Protocol, other than homicide or suspected homicide cases:

1. Unless confidential pursuant to law, the identity of a victim, if confirmed and not in question, after notification of family or next of kin. If there is any question as to the identity, the information remains confidential.
2. Information regarding the cause, manner, and circumstances of a death, but only with authorization of and after consultation with the Office of Chief Medical Examiner and the Office of the Attorney General.
3. A brief description, e.g., hunting fatality, suspicious death, accident, time and place, whether the investigation is in progress, and the identity of the investigating agency.
4. A warning to the public of any dangers.
5. A request for assistance in apprehending a suspect or assistance in other matters, if the information released is limited to accomplishing that purpose.
6. The name of a person charged (except a juvenile), age, residence, employment, and marital status.
7. The circumstances immediately surrounding an arrest or charge, including the time and place of the arrest, resistance, pursuit, and possession and use of weapons.
8. The substance or text of the charge, such as a complaint or indictment.
9. Information contained in a public record, stated so as to attribute the information to a public record.
10. The scheduling or result of any step or action in the judicial proceeding.

B. The following types of information should not be released:

1. Information as to the character, reputation, or prior criminal record or mental health history of an accused person or a prospective witness.
2. Admissions, confessions, or a statement or alibi attributable to any accused person, except as otherwise contained in a public record.

3. The performance or results of tests or the desire, agreement, or refusal of the accused or any potential witness to take or perform a test, including a polygraph examination.
4. Statements or information concerning the credibility or anticipated testimony of prospective witnesses.
5. The possibility of a plea to the offense charged or to a lesser offense, or other disposition.
6. Opinions concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or arguments will be used at trial.
7. Opinions as to the guilt of the accused, the evidence, or the merits of the case.
8. General Rule: DO NOT COMMENT ON THE EVIDENCE.

Dated: August 15, 2017

s/Janet T. Mills  
JANET T. MILLS  
Attorney General

**OFFICE OF CHIEF MEDICAL EXAMINER  
DRUG/MEDICATION INVENTORY**

**Officer:** \_\_\_\_\_  
**Agency:** \_\_\_\_\_  
**Case #:** \_\_\_\_\_  
**Date:** \_\_\_\_\_  
**Rec'd from:** \_\_\_\_\_

**Name of Victim:** \_\_\_\_\_  
**OCME Case Number:** \_\_\_\_\_

	NAME OF DRUG* AND DOSAGE	DIRECTIONS FOR USAGE	DATE ISSUED	NUMBER ISSUED	NUMBER PRESENT	PHYSICIAN	PHARMACY
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

\* Please indicate if the drug is prescribed for a person other than the victim.

# Death Investigation

Agency: \_\_\_\_\_ Case Number: \_\_\_\_\_

Date: \_\_\_\_\_ Time Received: \_\_\_\_\_ Time Arrived: \_\_\_\_\_

Informant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Scene: \_\_\_\_\_

Date & Time of Death: \_\_\_\_\_

Decedent: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Next of Kin: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Law Enforcement Officer Responding: \_\_\_\_\_

Ambulance Service: \_\_\_\_\_

EMT/ Paramedic/ Attendees: \_\_\_\_\_

Funeral Home: \_\_\_\_\_

## **Victim:**

- Suicide Note/Written Materials (provide to Office of Chief Medical Examiner)**
- Recent or previous suicide attempts**
- Recent or previous suicidal threats**
- Recent or chronic medical/mental diagnosis**
- Recent personal stress (relationship, job, death of loved one, catastrophic event)**
- Recent or history of drug/alcohol abuse**

**Scene Information:**

- Residence                      Single Family Home                      Apartment                      Trailer
- Duplex                      Other: \_\_\_\_\_
- Open Area
- Business
- Medical Facility
- Vehicle

**Vehicles Present: (Location/ Plate#/ Make Model/ Owner if Known)**

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**Pets Present:**

\_\_ None      \_\_ Dog(s) #      \_\_ Cat(s) #      \_\_ Other:

**Fecal Matter/Urine Present Inside:**

\_\_ Yes      \_\_ No      Other Pet Notes: \_\_\_\_\_

**Weather:**

\_\_ Clear      \_\_ Rain      \_\_ Snow/Sleet      \_\_ Cloudy

**Exterior Lighting: (Time of Arrival)**

\_\_ Dark      \_\_ Daylight      \_\_ Dusk/Dawn      \_\_ Artificial Light Present

**Interior Lighting: (Time of Arrival)**

\_\_ No Lighting      \_\_ Artificial Lighting      \_\_ Natural Lighting

**Exterior Temperature: (Time of Arrival)** \_\_\_\_\_ **Interior Temperature: (Time of Arrival)** \_\_\_\_\_

**Photographs Taken:**    \_\_ Yes                      \_\_ No                      Time: \_\_\_\_\_

**Persons Present on Scene:**

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Scene Notes: (TV on? Doors Locked/Closed? Windows open? Scene altered? Weapons nearby?)

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**Personal Items Present:**

- Wallet/ID**
- Cash/Credit Cards**
- Electronic Devices (computers, laptops, tablets, cell phones)**

**Medications/Prescriptions/Drugs Present:**

- Photograph**
- Med Count if suspected Overdose (Medication Log)**
- Name of Doctor-provider to OCME for records**
- Collection-Do not send to Funeral Home with body**

**Timeline:**

- Landline Phone-Call list (Photograph)**
- 911 Call-Request copy of recording**
- Cellular Phone-Incoming/Outgoing Calls or Texts (Photograph most recent)**
- Notes/Journals/Calendar/Receipts**

Scene Sketch Included:           \_\_ Yes           \_\_ No

Medical Examiner Notified Time: \_\_\_\_\_

Intake Person Name: \_\_\_\_\_

Body Released: \_\_ Yes           \_\_ No           Time: \_\_\_\_\_

**ME Office Requests:**

- Photographs**
- Transported for Autopsy**
- Transported for Exam**
- Blood Kit**
- Responding to Scene**
- Medication Log**
- Notes (Original "suicide note" to ME)**

**NOTIFICATIONS:**

Supervisor Notified: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

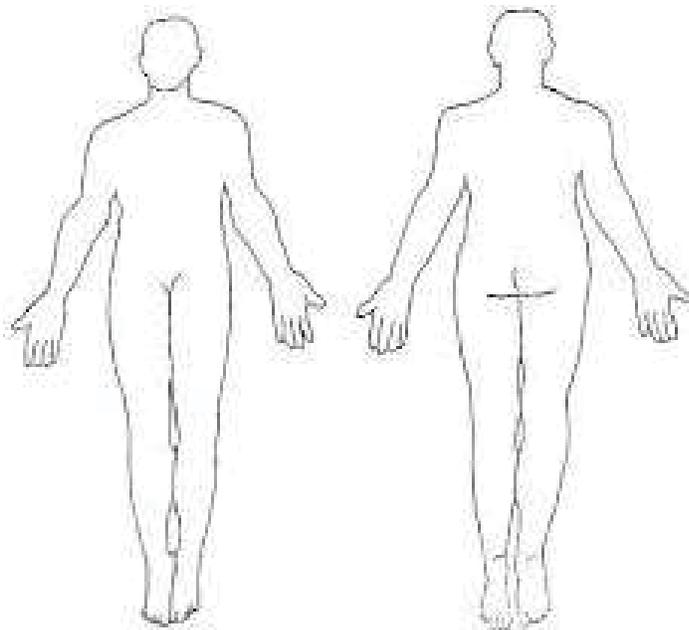
MCU Notified: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

District Attorney Notified: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

MDEA Supervisor Notified: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Body Observations:**

Trauma Observed:    \_\_ Yes            \_\_ No



If yes mark location(s) with X

**Apparent Wounds:**

- Gunshot
- Sharp Weapon Injury
- Fire/ Burn
- Blunt Force Trauma

**Description of Trauma Observed:**

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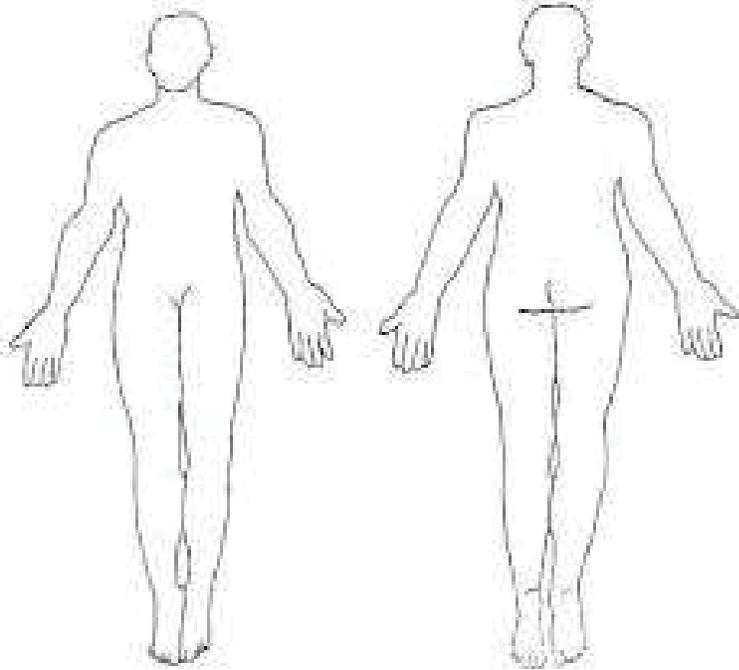
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Rigor Mortis Present:  Yes  No  Partial Time: \_\_\_\_\_

Livor Mortis Present:  Yes  No  Partial Time: \_\_\_\_\_

If present mark locations with X



Livor Mortis Color:

Description:

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Consistent with body position:  Yes  No

Blanching Lividity:  Yes  No

Skin Slippage:  Yes  No

Body Temperature: \_\_\_\_\_ Time: \_\_\_\_\_

Clothing and Footwear description: \_\_\_\_\_

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Notes on secretions from mouth/nose or other: \_\_\_\_\_

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**Insect Activity Present:**       Yes       No

**Locations:** \_\_\_\_\_

**Apparent Animal Activity on Body:**       Yes       No

**Locations:** \_\_\_\_\_

**Evidence Collected:**

Yes       No      **By:** \_\_\_\_\_

**Descriptions:** \_\_\_\_\_

\_\_\_\_\_

**Body Removed Time:** \_\_\_\_\_ **Cleared the Scene Time:** \_\_\_\_\_

**Additional Notes:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## **PROTOCOL FOR THE REPORTING AND INVESTIGATION OF THE USE OF DEADLY FORCE**

**Authority.** The Attorney General has exclusive jurisdiction for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that officer's duties, uses deadly force.<sup>1</sup> Such use of deadly force will be the subject of an investigation or review and legal analysis by the Office of the Attorney General to determine if its use complied with the applicable provisions of law. Detectives from the Office of the Attorney General will conduct or supervise the investigation, with the assistance of the State Police or other agencies as circumstances require.

**Definitions.** For purposes of this protocol, "deadly force" has the same meaning as in Title 17-A M.R.S. § 2, §§ 8. "Deadly force" means physical force that a person uses with the intent of causing, or that a person knows to create a substantial risk of causing, death or serious bodily injury.<sup>2</sup> Except as provided in section 101, subsection 5<sup>3</sup>, intentionally, knowingly, or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force.

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<sup>1</sup> 5 M.R.S.A. § 200-A

<sup>2</sup> As used in subsection 8, "serious bodily injury" means a bodily injury – i.e. physical pain, physical illness or any impairment of physical condition – that creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for receiving of physical health. 17-A M.R.S.A. § 2 (5) and (23).

<sup>3</sup> For purposes of this chapter, use by a law enforcement officer, a corrections officer or a corrections supervisor of the following is use of nondeadly force:

- A. Chemical mace or any similar substance composed of a mixture of gas and chemicals that has or is designed to have a disabling effect upon human beings; or
- B. A less-than-lethal munition that has or is designed to have a disabling effect upon human beings. For purposes of this paragraph, "less-than-lethal munition" means a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy.

**Requirement.** A law enforcement agency whose officer uses deadly force while acting in the performance of that officer's duties shall make notification of the event, as soon as practicable, to the Investigation Division of the Office of the Attorney General. The following circumstances in which physical force is used requires reporting by the agency whose officer uses such physical force while acting in the performance of that officer's duties:

1. The use of physical force that in fact causes death or serious bodily injury.
2. The use of physical force under circumstances that in fact create a substantial risk of causing death or serious bodily injury, whether or not death or injury actually results.
3. The use of physical force when it is the officer's intent to cause death or serious bodily injury, whether or not death or injury actually results.
4. The discharge of a firearm in the general direction of another person or at a moving vehicle, whether or not the projectile hits the person or vehicle. (It is not necessary to report the discharge of a firearm if the discharge is that of a "less-than-lethal munition," as defined in law. See Footnote 3 above. Also, pointing a firearm at another person without discharging it need not be reported.)
5. Ramming an occupied vehicle, except when the Precision Immobilization Technique (PIT maneuver) is used in the manner trained and under the circumstances permitted for its use and no serious bodily injury or death results.
6. A roadblock set up to terminate a vehicular pursuit when the roadblock in fact creates a substantial risk of causing death or serious bodily injury to the occupants of the fleeing vehicle or other persons and that in fact results in serious bodily injury or death.

**Procedure for reporting.** In any of the six mandatory reporting circumstances identified above, the incident must be reported as soon as practicable by the officer's agency to the Investigation Division of the Office of the Attorney General.

**Contact Investigation Division of the Attorney General's Office  
Brian MacMaster – Office 626-8520 – Home 582-4870 – Cell 441-0671**

**Preservation of the scene, electronic media, and witnesses.** The scene shall be preserved and cordoned, and involved officers separated by available law enforcement officials until the arrival of a detective from the Office of the Attorney General or a designee whose responsibility is to coordinate the investigation and/or to process the scene. Preserve as soon as possible any electronic media, such as cruiser or body camera video recordings. Other than what is necessary to identify and preserve such recordings, no officers may view such recordings prior to the involved officers giving a statement. Do not disturb the scene. In the case of a death, the body of the deceased is not to be moved or disturbed in any way until authorized by the Attorney General's Office or the Office of Chief Medical Examiner, unless the body is in immediate danger of destruction or further damage. Other personnel authorized to access the scene are

evidence technicians of the State Police or other agencies or other personnel designated and dispatched under the authority of the Attorney General.

**Interviews of officers.** During the Attorney General's investigation, no member or representative of an involved law enforcement officer's agency may be present during interviews of the officer, unless previously authorized by the Attorney General's Director of Investigations or the Director's designee. No agent of an involved law enforcement officer's agency may issue any order or instruction of any type concerning whether the officer should or should not speak with a detective from the Office of the Attorney General.<sup>4</sup>

**Public Statements.** No media statements or other public comments regarding a determination of an involved officer's legal justification or criminal culpability may be made or given except by the Office of the Attorney General. Other public comments, particularly as they relate to the facts of a particular event, may not be made or given without prior authorization and coordination with the Office of the Attorney General. Release of the name of an involved officer will be postponed until the officer and the head of the officer's employing agency are notified that the information will be released.<sup>5</sup> The name of a decedent or injured person will be released after the family or next of kin is notified.

The following guidelines relate to the investigation by the Office of the Attorney General of the use of deadly force by a law enforcement officer in the performance of that officer's duties, and govern the release of information to the media or the public during the pendency of the investigation.

Examples of information that *may* be released:

1. The fact that an incident involving the use of deadly force occurred and, pursuant to statutory requirements, is being investigated by the Office of the Attorney General.
2. The fact that the investigation is focused upon a determination of whether deadly force was in fact used and whether the use complied with the applicable provisions of law.
3. Whether person(s) were injured or killed.
4. The identity of person(s) injured or killed to include name, age, residence, occupation, and family status, but only after proper notification of family or next of kin.

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<sup>4</sup> This section is necessary to maintain the appropriate legal distinction between the Attorney General's criminal investigation and an administrative or internal affairs investigation by the employing agency.

<sup>5</sup> The name of the subject officer in matters involving the use of deadly force is a matter of public information. 5 M.R.S.A. § 7070-A, 30-A M.R.S.A. § 503(1-A) and § 2702(1-A).

5. The time and place of the incident under investigation.
6. The identity of an involved law enforcement officer, to include name, age, and agency affiliation.
7. A brief description of the circumstances of the particular incident, e.g., the nature of a call for service, an arrest, a vehicle stop, etc.

Examples of information that *may not* be released:

1. The details of investigative procedures or speculation upon any matters, legal or otherwise.
2. The character or reputation of any person(s) involved in the incident.
3. The existence or contents of any statement given by any persons involved in the incident, or the failure of any persons to provide statements.
4. The identity of witnesses and any information provided by witnesses.

Dated: August 15, 2017

s/Janet T. Mills  
JANET T. MILLS  
Attorney General



## MAINE STATE POLICE GENERAL ORDER

### M-10

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING SEX OFFENDER COMMUNITY NOTIFICATION

**EFFECTIVE DATE:** 11.14.2019

**RECENT HISTORY:** AMENDED (11.14.2019); TECHNICAL AMENDMENT (SPELLING CORRECTION)(12.04.2013); REVISED (10.08.2013); NEW (06.01.2006); FORMERLY G.O. 2006 MSP 3A

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding sex offender community notification.

#### II. POLICY

1. The policy of the Maine State Police is to comply with the Sex Offender Registration and Notification Act of 1999, as amended ("SORNA 1999" (*see generally* 34-A M.R.S.A. c. 15 at <http://legislature.maine.gov/statutes/34-A/title34-Ach15sec0.html>)), and of the Sex Offender Registration and Notification Act of 2013 ("SORNA 2013" (*see generally* 34-A M.R.S.A. c. 17 at <http://legislature.maine.gov/statutes/34-A/title34-Ach17sec0.html>)), including the provisions related to public notification of registered sex offenders in the community of those Acts, to the fullest extent those laws are applicable to the agency.

***Note: Because this is a statutorily-mandated policy, officers shall abide by the policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.***

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section that do not have a definition provided have the same definition as provided under the SORNA 1999 and SORNA 2013, unless otherwise indicated in the order.
  - A. Another State. With respect to the SORNA 1999, “another state” has the same meaning as provided at 34-A M.R.S.A. § 11203(1-C), and with respect to the SORNA 2013, the term has the same meaning as provided at 34-A M.R.S.A. § 11273(1).
  - B. Domicile. With respect to the SORNA 1999, “domicile” has the same meaning as provided at 34-A M.R.S.A. § 11203(2), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(5).
  - C. Law enforcement agency having jurisdiction. With respect to the SORNA 1999, “law enforcement agency having jurisdiction” has the same meaning as provided at 34-A M.R.S.A. § 11203(4), and with respect to the SORNA 2013, the term has the same meaning as provided at 34-A M.R.S.A. § 11273(8).
  - D. Lifetime Registrant. With respect to the SORNA 1999, “lifetime registrant” has the same meaning as provided at 34-A M.R.S.A. § 11203(8).
  - E. Residence. With respect to the SORNA 1999, “residence” has the same meaning as provided at 34-A M.R.S.A. § 11203(4-D), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(12).
  - F. Registrant. With respect to the SORNA 1999, “registrant” has the same meaning as provided at 34-A M.R.S.A. § 11203(4-C), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(11).
  - G. Safe Children Zone. With respect to the SORNA 1999, “safe children zone” has the same meaning as provided at 34-A M.R.S.A. § 11203(1-C), and with respect to the SORNA 2013, the term has the same meaning as provided at 34-A M.R.S.A. § 11273(1).
  - H. Sentence. With respect to the SORNA 1999, “sentence” has the same meaning as provided at 34-A M.R.S.A. § 11203(4-B), and with respect to the SORNA 2013, the word has the same meaning as provided at 34-A M.R.S.A. § 11273(13).
  - I. Sexual act. "Sexual act" has the same meaning as provided at 17-A M.R.S.A. § 251(1)(C).
  - J. Sexual contact. "Sexual contact" has the same meaning as provided at 17-A M.R.S.A. § 251(1)(D).
  - K. Sex offense. With respect to the SORNA 1999, “sex offense” has the same meaning as provided at 34-A M.R.S.A. § 11203(6).
  - L. Sex Offender Restricted Zone. "Sex offender restricted zone" has the same meaning as provided at 17-A M.R.S.A. § 261(4);

- M. Sexually violent offense. With respect to the SORNA 1999, “sexually violent offense” has the same meaning as at 34-A M.R.S.A. § 11203(7).
- N. SORNA 1999. “SORNA 1999” means the Sex Offender Registration and Notification Act of 1999, as amended (*see generally* 34-A M.R.S.A. c. 15 at <http://legislature.maine.gov/statutes/34-A/title34-Ach15sec0.html>)).
- O. SORNA 2013. “SORNA 2013” means the Sex Offender Registration and Notification Act of 2013, as amended (*see generally* 34-A M.R.S.A. c. 17 at <http://legislature.maine.gov/statutes/34-A/title34-Ach17sec0.html>).
- P. State Bureau of Identification. “State Bureau of Identification” (“SBI”) means the Department of Public Safety, Maine State Police, State Bureau of Identification, and with respect to the SORNA 1999, SBI is the “Bureau” as defined at 34-A M.R.S.A. § 11203(1), and with respect to the SORNA 2013, SBI is the “Bureau” as defined at 34-A M.R.S.A. § 11273(2).
- Q. Ten-year Registrant. With respect to the SORNA 1999, “ten-year registrant” has the same meaning as provided at 34-A M.R.S.A. § 11203(5).
- R. Tier I offense. With respect to the SORNA 2013, “Tier I offense” has the same meaning as provided at 34-A M.R.S.A. § 11273(14).
- S. Tier II offense. With respect to the SORNA 2013, “Tier II offense” has the same meaning as provided at 34-A M.R.S.A. § 11273(15).
- T. Tier III offense. With respect to the SORNA 2013, “Tier III offense” has the same meaning as provided at 34-A M.R.S.A. § 11273(16).
- U. Tier I registrant. With respect to the SORNA 2013, “Tier I registrant” has the same meaning as provided at 34-A M.R.S.A. § 11273(17).
- V. Tier II registrant. With respect to the SORNA 2013, “Tier II registrant” has the same meaning as provided at 34-A M.R.S.A. § 11273(18).
- W. Tier III registrant. With respect to the SORNA 2013, “Tier III registrant” has the same meaning as provided at 34-A M.R.S.A. § 11273(19).
- X. Verification form. “Verification form” means a form provided by the State Bureau of Identification for convicted sex offenders in one of the following categories:
1. Verification for a person sentenced on or after September 18, 1999;
  2. Verification for a person sentenced on or after January 1, 1982 and prior to September 18, 1999 who is a ten-year registrant;
  3. Verification for a person sentenced on or after January 1, 1982 and prior to September 18, 1999 who is a lifetime registrant;

4. Verification for a person required to register in another jurisdiction.

#### IV. PROCEDURE

1. APPLICATION OF SORNA 2013 AND SORNA 1999
  - A. **SORNA 2013** applies to persons who committed or commit sex offenses or sexually violent offenses on or after January 1, 2013.
  - B. **SORNA 1999** applies to persons who were **sentenced** for a sex offense or sexually violent offense after January 1, 1982, but the offense was **committed before** January 1, 2013.
  - C. **The controlling date between SORNA 1999 and SORNA 2013 is the date that the underlying crime was committed – not the date of sentence.**
2. INFORMATION CONTAINED IN THE APPENDICES OF THIS POLICY
  - A. Appendix 1 of this policy provides a registered sex offender investigative checklist for officers assigned to conduct investigations to verify registrant registration information.
  - B. Appendix 2 of this policy:
    1. Summarizes SBI's procedures with respect to registrants and law enforcement agencies;
    2. Summarizes registrants' obligations under the Sex Offender Registration and Notification Acts; and
    3. Summarizes law enforcement involvement in the registration and verification process.
  - C. Appendices 3, 4 and 5 of this policy are examples of SBI forms that Maine State Police officers will see if a registrant registers her or his information with the Maine State Police.
  - D. Appendix 6 of this policy summarizes the procedures of the Maine Department of Corrections, County jails, and State of Maine mental health institutions when releasing persons required to register under either the SORNA 1999 or the SORNA 2013.
3. EXTENT OF COMMUNITY NOTIFICATION
  - A. When required to do so by either the SORNA 1999 or the SORNA 2013, or both, the Maine State Police shall notify community members of registrants in the community, including, but not limited to, those in Safe Children Zones and Sex Offender Restricted Zones, as well as make notification to appropriate Sexual Assault Support Centers.

- B. The extent of community notification is based on the nature of the registrant’s conviction and whether the person is required to register as a Lifetime Registrant, a Ten-Year Registrant, or a Tier I, Tier II, or Tier III Registrant.
- C. The extent of community notification also is based on the agency’s investigative findings related to the nature of the conviction, which includes the elements of each registerable offense for which the registrant was convicted and any facts alleged in the relevant charging instrument (including, but not limited to, the age of the victim) that were proved beyond a reasonable doubt or admitted to by the registrant.
  - 1. For example, community notification of a Lifetime Registrant, a Tier II, or a Tier III Registrant should be made to the community to the greatest extent reasonably possible, using means of notification such as those described below in Section 4.
    - a. The extent of community notification of a Ten-year Registrant or Tier I Registrant should be determined on a case-by-case basis considering factors such as the elements of each registerable offense for which the registrant was convicted and any facts alleged in the relevant charging instrument (including, but not limited to the age of the victim) that were proved beyond a reasonable doubt or admitted to by the registrant.
- D. Maine State Police officers should coordinate community notification with law enforcement agencies of the jurisdictions in which the registrant resides, works (if applicable), and attends school (if applicable).
- E. Maine State Police officers shall seek guidance from the Office of the District Attorney of jurisdiction for any known or suspected violation of either of the Sex Offender Registration and Notification Acts, or rules adopted pursuant to the Acts.

#### 4. MEANS OF COMMUNITY NOTIFICATION

- A. The following methods of notification – which are not intended to be exclusive – should be considered as a means of notifying the community:
  - 1. News media, e.g., newspaper, television, or radio;
  - 2. Informational leaflets that provide general information about registered sex offenders in the community, e.g., *A Guide for*

*Communities, Organizations and Schools about Community Notification of Sex Offenders* (attached);

3. Personal notification, such as door-to-door notification in Safe Children Zones and Sex Offender Restricted Zones;
4. Notification in the form of public postings at the barracks of the Troop of jurisdiction and other designated community locations;
5. Community forums, if held, should include, when possible, representatives of Sexual Assault Support Centers, law enforcement, the Department of Corrections, the Office of the District Attorney of jurisdiction, and sex offender treatment providers;
6. Any other means of notification deemed appropriate by the Maine State Police to ensure public safety.

B. By law, only SBI may maintain the official Maine Sex Offender Registry on the Internet for purposes of public access.

1. Law enforcement agencies may maintain their own sex offender registries for internal use only by those agencies, except under narrow circumstances.
2. Maine State Police officers who encounter individuals wanting further information regarding a registrant should direct them to call or visit the barracks of the Maine State Police Troop of jurisdiction during regular business hours, or contact or visit SBI.

## 5. CONTENT OF NOTIFICATION

A. The Maine State Police may notify any community of public information regarding any registrant living, attending school, or working (including volunteering) in the community.

B. The following information may be obtained from SBI's website and may be disclosed to the public regarding an individual required to register pursuant to **SORNA 1999**:

1. The duration of time that the individual is required to register as a sex offender;
2. The individual's name, date of birth, and photograph;
3. The individual's municipality of domicile and residence;
4. The individual's place of employment (including volunteer work), if applicable, and, if applicable, school being attended, and the corresponding address and location of those locations;
5. The statutory citation and name of each registerable offense for which the individual was convicted;

6. The individual's designation as a ten-year registrant or a lifetime registrant.
- C. The following information regarding individuals required to register pursuant to **SORNA 2013** may be obtained from SBI's website and may be disclosed to the public regarding an individual required to register pursuant to **SORNA 2013**:
1. The individual's name, aliases, date of birth, and a current photograph;
  2. The individual's municipality of domicile and residence;
  3. The individual's place of employment (including volunteer work), if applicable, and, if applicable, school being attended, and the corresponding address and location of those locations;
  4. The statutory citation and name of each registerable offense for which the individual was convicted;
  5. Whether the individual is a Tier I registrant, a Tier II registrant, or a Tier III registrant;
  6. The individual's verification requirements and the date of her or his most recent verification;
  7. The individual's residential address and residence location on a map.

6. VIOLATIONS OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACTS

- A. Whenever a Maine State Police officer becomes aware of a violation of either of the Sex Offender Registration and Notification Acts, the officer shall investigate the complaint and notify the Office of the District Attorney of jurisdiction.

7. OFFICERS ASSIGNED TO CONDUCT INVESTIGATIONS TO VERIFY SEX OFFENDERS' REGISTRATION INFORMATION

- A. The Colonel, or her or his designee, may assign officers to conduct investigations to verify sex offenders' registration information.
1. Those officers also shall process the verification form and mail it back to SBI after the form is completed.
  2. Investigating officers should use a checklist such as the one reflected in Appendix 1 and review the information regarding "Frequently Asked Questions" that is included in Appendix 2.
  3. The Colonel, or her or his designee, should notify SBI of the names of each such designated investigating officer.

B. Investigating officers responsible for verifying registrants' information:

1. Shall confer with the charging agency for pertinent case history, including any facts alleged in the charging instrument that were proved beyond a reasonable doubt or admitted to by the registrant;
2. Shall conduct a background investigation on registrants to determine other pertinent facts including, but not limited to, results of NCIC, Triple III, and State of Maine criminal history record checks;
3. Shall attempt to obtain from registrants current photographs of the registrants whose information the investigating officer is verifying;
4. Shall contact registrants' probation officers regarding any conditions of release, any risk assessment tool used by the probation officers, and other important investigative information regarding registrants;
5. Should interview the registrants whose information is being verified;
6. Should obtain and verify registrants' work locations, supervisor names, names of friends (as well as their current addresses, and telephone numbers), names of family members (as well as their current addresses and telephone numbers), and any other relevant information;
7. Shall verify the addresses and telephone numbers of family and friends and correct any discrepancies;
8. Shall create an investigative file on each registrant;
9. Shall prepare a report to the Colonel, or her or his designee, summarizing investigative findings.

8. DUTY OF ALL MAINE STATE POLICE OFFICERS TO VERIFY INFORMATION

A. Generally, Maine State Police officers assigned by the Colonel, or her or his designee, to investigate, ascertain, and verify registrants' registration information will be the officers who verify the information on the verification form.

1. If, however, no officer who has been assigned to conduct a verification investigation is available to do so, a Maine State Police officer shall be appointed to do so.

9. REGISTRATION AND VERIFICATION GENERALLY

- A. Verification of registrant information must occur as follows:
  - 1. On Ten-Year and Tier I Registrants: Every twelve (12) months;
  - 2. On Tier II Registrants: Every six (6) months; and
  - 3. On Lifetime and Tier III Registrants: Every three (3) months.
- B. The registrant should have obtained the verification form from SBI and brought it to the Maine State Police Troop of jurisdiction in those instances in which the Maine State Police is responsible for verifying registrant information.
- C. To the extent the Maine State Police is required to do so by law, the agency shall verify the information and complete the verification form, including obtaining from the registrant a current photograph of the registrant and her or his forefinger prints.
  - 1. Maine State Police officers should obtain a full set of fingerprints and a current photograph for agency records.
  - 2. Registrants are responsible for providing the photographs of themselves.
- D. The completed verification form, photograph, and a twenty-five dollar (\$25) fee, when required, must be sent to SBI.
- E. The law requires a registrant from any other state to notify SBI if the registrant becomes domiciled, employed, or attends school in the State of Maine.
  - 1. When SBI receives notification of such, SBI shall notify law enforcement agencies of jurisdiction over such registrants in the same manner that SBI notifies agencies with regard to registrants convicted and sentenced in the State of Maine.
- F. Maine State Police officers who become aware of an individual who was convicted of a sex offense or sexually violent offense in another state and who is now domiciled, employed, residing, or attending school in the State of Maine shall promptly notify SBI to determine if the individual is required to register.
  - 1. SBI has different forms for initial registration for individuals convicted of a registerable offense in another state.
  - 2. Once an individual is registered with SBI, the in-person verification forms for individuals convicted in the State of Maine and for those convicted in another state, are the same.

- G. Maine State Police officers shall treat out-of-state sex offenders who are required to register in the same manner as sex offenders from Maine.
- H. Maine State Police officers are encouraged to contact SBI if they have any questions regarding a registrant or any provision of either of the Sex Offender Registration and Notification Acts, or want to obtain a copy of any of the forms relating to the Acts.

10. IMMUNITY FROM LIABILITY

- A. Both the SORNA 1999 and SORNA 2013 include the following immunity provisions:
  - 1. Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects any state, municipal or county official or employee to liability in a civil action.
  - 2. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the public.

## APPENDICES

- 1. APPENDIX 1
- 2. APPENDIX 2
- 3. APPENDIX 3
- 4. APPENDIX 4
- 5. APPENDIX 5
- 6. APPENDIX 6
- 7. A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders

### NOTICE

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

Appendix 1  
**REGISTERED SEX OFFENDER INVESTIGATIVE CHECK LIST**

Registered Sex Offender: \_\_\_\_\_ Incident Number: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Home Tel. #: \_\_\_\_\_ Cell Tel. #: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Work Tel. #: \_\_\_\_\_ Other Tel. #: \_\_\_\_\_  
School and address attending or expecting to attend: \_\_\_\_\_

- SORNA 1999 10-Year Registrant       SORNA 1999 Lifetime Registrant
- SORNA Tier I Registrant       SORNA Tier II Registrant       SORNA Tier III Registrant
- Registrant is an adult or a juvenile convicted as an adult: \_\_\_\_\_
- Possesses Sex Offender Registry Verification Form: \_\_\_\_\_
- Contact SBI if Registrant doesn't have a Sex Offender Reg. Verification Form: \_\_\_\_\_
- Is Registrant required to complete a  90-Day  180-Day  1 Year Verification Form: \_\_\_\_\_
- Contact charging agency/Officer for background information: \_\_\_\_\_
- Contact Sex Offender's Probation Officer for Probation Conditions: \_\_\_\_\_
- Request SBI/NCIC III: \_\_\_\_\_
- Interview Registrant: \_\_\_\_\_
- Obtain current photograph: \_\_\_\_\_
- Obtain a set of fingerprints: \_\_\_\_\_
- Verify Registrant's address & telephone number by contacting family members, friend(s), and employer(s): \_\_\_\_\_
- Establish a periodic reporting method for the Registrant: \_\_\_\_\_
- Summary report for CLEO: \_\_\_\_\_
- Produce a Neighborhood Notification Information Sheet: \_\_\_\_\_
- Form a Registrant Neighborhood Notification plan: \_\_\_\_\_
- Conduct a Registrant Neighborhood Notification: \_\_\_\_\_
- Add Registrant to agency's computer database: \_\_\_\_\_
- Establish an agency file for the Registrant: \_\_\_\_\_
- Advise Sexual Assault and Crisis Support Center: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Investigator: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2

### BASIC SEX OFFENDER REGISTRATION INFORMATION<sup>42</sup>

1. Who is responsible for the Sex Offender Registry (SOR)?  
The Sex Offender Registry is run by the State Bureau of Identification, which is a division in the Maine State Police. You can reach the Registry at 624-7270.
2. How do you tell if the person is a Registrant under SORNA of 1999 or under SORNA of 2013?  
SORNA of 2013 (Title 34-A, Chapter 17) is unusual in that it did not replace SORNA of 1999 (Title 34-A, Chapter 15). Both chapters now exist and which SORNA applies is based on the date the sexual offense was committed.  
The Sex Offender Registration and Notification Act of 2013 applies to persons who commit a qualifying sex offense requiring registration on or after January 1, 2013. A person who is required to register because of a crime committed before January 1, 2013 is subject to SORNA of 1999, and any failure to comply must be prosecuted under SORNA of 1999 (34-A M.R.S. § 11227), even if the failure to comply occurs on/after January 1, 2013. **The controlling date is the date that the underlying crime was committed, not the date of sentence, and not the date of the failure to comply.**
3. Who has to register?  
Registration with Sex Offender Registry (SOR) is required when:
  - a. The person is sentenced after January 1, 1982 in the State of Maine for a qualifying offense designated in SORNA of 1999 as a “sex offense” (34-A M.R.S. § 11203(6), §11203(6-A), or § 11203(6-B)); or a “sexually violent offense” (34-A M.R.S. § 11203(7)); in SORNA of 2013 as “Tier I offense” (34-A M.R.S. § 11273(14)), a “Tier II offense” (34-A M.R.S. § 11273(15)), or a “Tier III offense” (34-A M.R.S. § 11273(16));
  - b. The person is sentenced out of state and registration is required by that jurisdiction.
  - c. The person is convicted out of state of a crime that has “the essential elements” of a Maine offense that would require registration;
  - d. The person was convicted of a military, federal or tribal offense that requires registration.
4. What is the difference between “registration” and “verification”?
  - a. A person must “register” or provide information to the SOR and local law enforcement. The registration term is the period of time, after the conviction and after being provided notice of the duty to register, that the person must provide the required information to the SOR. The registration period, such as 10 years, 25 years or lifetime, depends upon the conviction or number of convictions. During that time, the individual must ensure that the required information is provided to the SOR

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<sup>42</sup> This is a very brief and simple overview of basic sex offender registration procedures and requirements. Before relying on the information provided, please confirm with the Sex Offender Registry or the statutes to ensure that the procedure or requirement has not changed.

and the law enforcement agency having jurisdiction.

- b. Verification is the form sent out at 3 month, 6 month or yearly intervals by the SOR to the Registrant. The Registrant has to return the form within 5 days. The Registrant is responsible to verify that the Registry's registration information is accurate. Verification can be "in person" which requires the Registrant to go to the law enforcement agency having jurisdiction. The law enforcement agency having jurisdiction must verify the registrant's identity, have the registrant sign the verification form, take the registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. Verification can be "in writing" for qualified registrants convicted before 1999 and the Registrant returns the form without having to go to the local law enforcement agency.

5. Who is responsible to tell the person of the registration duties and ensuring initial registration?

- a. The Courts at the time of conviction, if the person is not incarcerated;
- b. The jail or Department of Correction if the person is incarcerated;
- c. Riverview if the person has been committed there;
- d. The SOR or any law enforcement agency.

The agency then has 3 days to forward the initial registration information to the SOR.

6. Who notifies the law enforcement agency having jurisdiction when a Registrant has a residence, attends school, or employment in the area?

- a. The Registrant is responsible to tell the law enforcement agency having jurisdiction within 24 hours of beginning residence, school or employment in the area. That agency is to report that information to the SOR within 3 days;
- b. The SOR notifies the jurisdictional law enforcement agencies (local municipal police, Sheriff's Office, Office of the District Attorney, State Police CID and the area State Police Troop) within the jurisdiction of the registrant's domicile, residence, mailing address, work and school/college. The notification includes a risk assessment (if available) for SORNA 1999 registrants.

7. When does a person become a resident?

- a. A residence is a place or places, other than a domicile, in which a person may spend time living, residing or dwelling. If the offender has lived in the State for 14 days continuously or an aggregate of 30 days within a period of one year, the creates a permissible inference that the person has established a residence for the purposes of registration requirements.

8. Does a Registrant have to pay any money?

- a. Registration requirement includes a fee of \$25.00 per year, payable to "Treasurer State of Maine" and a current (must be less than 6 months old) colored passport quality photograph (2¾ X 2½ inches).

9. How often does a Registrant have to verify?

- a. For SORNA of 1999:
  - 10 year registrants have to verify once a year.

- Lifetime registrants have to verify every 90 days.
- b. For SORNA of 2013:
- Tier I registrants have to register once a year.
  - Tier II registrants have to register every 180 days.
  - Tier III registrants have to register every 90 days.
10. What if the Registrant moves or changes address?
- a. The Registrant must report to the law enforcement agency having jurisdiction within 24 hours any change in the following conditions: domicile, residence, work, or school. **Note:** The SOR has created a form but it will also accept a handwritten, signed letter.
  - b. The SORNA of 1999 Registrant must report to the SOR within 5 days any change in the following conditions: domicile, residence, work and school/college. This notification is required in writing and if the registrant is being released from incarceration, a written notification is also required.
  - c. The SORNA of 2013 Registrant must report to the SOR within 3 days any change in the following conditions: domicile, residence, work and school/college. This notification is required in writing and if the registrant is being released from incarceration, a written notification is also required.
11. If a Registrant has been incarcerated, does the SOR have to be notified when released?
- Yes. If a Registrant has been held at the Department of Corrections, a jail, or a state mental institute, the SOR must be notified when the person is “conditionally released” or released. The facility must provide the SOR the following information:
- a. The Registrant’s domicile and residence (please include a mailing address),
  - b. The work and school address, and
  - c. If a conditional release, the area to which the release is limited.
12. What does a Registrant have to provide to the SOR?
- a. The Registrant under SORNA of 1999 must provide:
    - 1. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of expected domicile and residence;
    - 2. Place of employment and college or school being attended, if applicable, and the corresponding address and location;
    - 3. Offense history;
    - 4. Notation of any treatment received for a mental abnormality or personality disorder;
    - 5. A photograph and set of fingerprints;
    - 6. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and
    - 7. Any other information the bureau determines important.
  - b. The Registrant under SORNA of 2013 must provide:
    - 1. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, land line and cellular telephone numbers, Internet identifiers, mailing address and physical location of expected domicile and residence. For

purposes of this paragraph, "Internet identifiers" means e-mail addresses and other designations used for self-identification or routing in Internet communication or posting;

2. Place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location;
3. Offense history;
4. A current photograph and set of fingerprints;
5. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed;
6. Whether the registrant is a Tier I registrant, Tier II registrant or Tier III registrant;
7. A copy of any driver's license information and copy of the driver's license;
8. A copy of any professional license;
9. Passport and immigration documents and social security number;
10. Temporary lodging and dates of travel;
11. Information about motor vehicles owned, leased or used and registration and location of those motor vehicles. For purposes of this paragraph, "lease" means a transfer of the right to possession and use of a motor vehicle for a term of 30 days or more in return for consideration; and
12. Any other information the bureau determines important.

13. When must the Registry post and what information must be posted by the Registry on the Internet?

Until the Bureau receives at a minimum, a signed initial registration form, individuals cannot be made active or displayed on the Sex Offender Registry website.

- a. The Registry must provide for a SORNA of 1999 registrant:
  1. The registrant's name, date of birth and photograph;
  2. The registrant's city or town of domicile and residence;
  3. The registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location;
  4. The statutory citation and name of the offense for which the registrant was convicted; and
  5. The registrant's designation as a 10-year registrant or a lifetime registrant.
- b. The Registry must provide for a SORNA of 2013 registrant:
  1. The registrant's name, aliases and date of birth and a current photograph;
  2. The registrant's city or town of domicile and residence;
  3. The registrant's place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location;
  4. The statutory citation and name of the offense for which the registrant was convicted;
  5. Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III registrant;
  6. Verification requirements and date of last verification; and
  7. The registrant's address and its location on a map.
- c. For any registrant, after receiving a written request that includes the name and date of birth of a registrant, the bureau shall provide the following information concerning a registrant to the requestor
  1. The registrant's name, aliases, date of birth, sex, race, height, weight, eye

color, mailing address and physical location of domicile and residence (by map);

2. The registrant's place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location;
  3. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and
  4. The registrant's photograph.
- d. In addition, the SOR has established an e-mail notification system to alert a member of the public who has subscribed annually to the e-mail notification system when a registrant moves into the subscriber's geographic area. BY STATUTE, THIS ONLY APPLIES TO 2013 REGISTRANTS.

14. What other laws/restrictions are based on commission of sex offenses?

- a. Failure to comply with Sex Offender Registration statutes or rules (the class of the crimes will depend upon the number of prior convictions for this offense)
  1. For 1999 registrants – 34-A M.R.S. § 11227
  2. For 2013 registrants – 34-A M.R.S. § 11288
- b. If the State pleads and proves that a Gross Sexual Assault was committed in a “safe children zone,” the court must treat that as an aggravating sentencing factor. (17-A M.R.S. § 253(7)).
- c. Prohibited contact with a minor – 17-A M.R.S. § 261
  1. Must have committed a 17-A, Chapter 11 or 12 offense against a child less than 14 years of age and
    - a. Initiates contact with a child less than 14 years of age (Class E) or
    - b. Initiates contact with a child less than 14 years of age in a “sex offender restricted zone (Class D).
- d. Residency Restrictions (30-A M.R.S. § 3014)

Maine law allows a municipality to adopt residency ordinances prohibiting a sex offender from residing closer than 750 feet from the real property comprising a public or private elementary, middle or secondary school or 750 feet surrounding the real property comprising a municipally owned property where children are the primary users. The ordinance can only apply to individuals convicted of certain sex offenses and is not the same definitions used for sex offender registration. The offense is a violation of the municipal ordinance and would be prosecuted by the municipality.

15. Who reports to national sex offender registry?

It is the Bureau’s responsibility to send information concerning a registered sex offender to the national registry; however, information will not be accepted by federal officials when fingerprints are not provided. When this information is not contained in the national registry, the sex offender's offenses and conviction will not be available when a III (Triple I) request is made. When information is accepted by the national registry, the individual is flagged as a registered sex offender in the hot files. This alert is returned whenever law enforcement runs a check on a driver's license and/or motor vehicle check.

Appendix 3



**STATE OF MAINE**  
**NOTICE OF DUTY TO REGISTER**  
**“SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 1999,”**  
**AS AMENDED (“SORNA”), 34-A M.R.S. §§11201-11256**  
**INDIVIDUALS SENTENCED**  
**ON OR AFTER JANUARY 1, 1982 AND PRIOR TO SEPTEMBER 18, 1999**

**NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**COURT:** \_\_\_\_\_ **DOCKET NO.** \_\_\_\_\_

YOU ARE REQUIRED BY LAW TO REGISTER WITH THE MAINE STATE POLICE; STATE BUREAU OF IDENTIFICATION AS FOLLOWS:

- 10-year registrant**                       **Lifetime registrant**

At any time, the bureau may correct the term of a registration erroneously assigned to an offender or registrant. In such instances, the bureau shall notify the offender or registrant, the district attorney and the court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable. 34-A M.R.S. § 11222(1).

You are required to register with the Maine State Police, State Bureau of Identification; by providing the information demanded on the registration form and paying a registration fee of \$25 immediately upon sentencing if no period of imprisonment is to be served, or prior to release from imprisonment or institutional confinement 15 M.R.S. §104-A. The \$25 fee is also due upon each annual verification. You must also notify the law enforcement agency having jurisdiction within 24 hours of becoming a domiciliary or resident or beginning work or attending school.

**CHANGE OF REGISTRATION INFORMATION**

If you change your domicile, residence, mailing address, place of employment, or college or school, you must give your new information to the Maine State Police, State Bureau of Identification, 45 Commerce Drive, Suite 1, 42 SHS, Augusta, Maine 04330 in writing within 5 days. You must also notify the law enforcement agency having jurisdiction within 24 hours. If you move to another State, you must register your new address with the State Bureau of Identification and, if the new state has a registration requirement, you must register with the designated law enforcement agency in the new state [not later than 5 days after establishing residence in that State] as required by that state’s law.

Appendix 3



**STATE OF MAINE**  
**NOTICE OF DUTY TO REGISTER**  
**“SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 1999,”**  
**AS AMENDED (“SORNA”), 34-A M.R.S. §§11201-11256**  
**INDIVIDUALS SENTENCED**  
**ON OR AFTER JANUARY 1, 1982 AND PRIOR TO SEPTEMBER 18, 1999**

**NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**COURT:** \_\_\_\_\_ **DOCKET NO.** \_\_\_\_\_

YOU ARE REQUIRED BY LAW TO REGISTER WITH THE MAINE STATE POLICE; STATE BUREAU OF IDENTIFICATION AS FOLLOWS:

- 10-year registrant**                       **Lifetime registrant**

At any time, the bureau may correct the term of a registration erroneously assigned to an offender or registrant. In such instances, the bureau shall notify the offender or registrant, the district attorney and the court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable. 34-A M.R.S. § 11222(1).

You are required to register with the Maine State Police, State Bureau of Identification; by providing the information demanded on the registration form and paying a registration fee of \$25 immediately upon sentencing if no period of imprisonment is to be served, or prior to release from imprisonment or institutional confinement 15 M.R.S. §104-A. The \$25 fee is also due upon each annual verification. You must also notify the law enforcement agency having jurisdiction within 24 hours of becoming a domiciliary or resident or beginning work or attending school.

**CHANGE OF REGISTRATION INFORMATION**

If you change your domicile, residence, mailing address, place of employment, or college or school, you must give your new information to the Maine State Police, State Bureau of Identification, 45 Commerce Drive, Suite 1, 42 SHS, Augusta, Maine 04330 in writing within 5 days. You must also notify the law enforcement agency having jurisdiction within 24 hours. If you move to another State, you must register your new address with the State Bureau of Identification and, if the new state has a registration requirement, you must register with the designated law enforcement agency in the new state [not later than 5 days after establishing residence in that State] as required by that state’s law.

**EMPLOYMENT AND COLLEGE OR SCHOOL IN ANOTHER STATE**

If you have part-time or full-time employment in another State, with or without compensation, for more than 14 consecutive days or for a aggregated (total) period exceeding 30 days in a calendar year or if you enroll in any type of school or college in another State on a part-time or full-time basis, you must give the Bureau your place of employment or school or college in writing within 5 days after beginning work or attending school or college and if the other State has a registration requirement, you must register with the designated law enforcement agency in the other State.

**FINGERPRINTS AND PHOTOGRAPH**

You must submit to the taking of your fingerprints and a photograph at the law enforcement agency with jurisdiction over your domicile or residence within 3 days of this notice, if they have not already been obtained in connection with the offense that necessitates this registration.

**VERIFICATION FOR PERSON SENTENCED ON OR AFTER JANUARY 1, 1982 AND PRIOR TO SEPTEMBER 18, 1999 WHO IS A 10-YEAR REGISTRANT**

During the period a 10-year registrant sentenced on or after January 1, 1982 and prior to September 18, 1999 is required to register, the bureau shall require the 10-year registrant to verify registration information including domicile, residence, mailing address, place of employment and college or school being attended. The bureau shall verify the registration information of a 10-year registrant in writing as provided by the bureau on each anniversary of the 10-year registrant's initial registration date and once every 5 years in person.

**VERIFICATION FOR PERSON SENTENCED ON OR AFTER JANUARY 1, 1982 AND PRIOR TO SEPTEMBER 18, 1999 WHO IS A LIFETIME REGISTRANT**

During the period a lifetime registrant sentenced on or after January 1, 1982 and prior to September 18, 1999 is required to register, the bureau shall require the lifetime registrant to verify registration information including domicile, residence, mailing address, place of employment and college or school being attended. The bureau shall verify the registration information of a lifetime registrant in writing as provided by the bureau every 90 days after that lifetime registrant's initial registration date and once every 5 years in person.

**ACKNOWLEDGEMENT**

I hereby acknowledge that I understand the requirements placed on me as a  **10-year registrant** or  **Lifetime registrant** pursuant to 34-A M.R.S. §11227. If I fail to comply with any duty imposed by that chapter or rules adopted pursuant to that chapter, I understand that I am committing a Class D crime. I understand that a second violation for failure to comply with any duty imposed by that chapter or the rules adopted pursuant to that chapter is a Class C crime. I understand that a third or subsequent violation for failure to comply with any duty imposed by that chapter or the rules adopted pursuant to that chapter is a Class B crime.

Date: \_\_\_\_\_

Defendant: \_\_\_\_\_

**Appendix 4**

**STATE OF MAINE  
Maine State Police, State Bureau of Identification  
42 State House Station, Augusta, ME 04333-0042**

**SEX OFFENDER REGISTRY VERIFICATION FORM  
FOR REGISTRANTS  
WITH AN OFFENSE DATE ON OR AFTER JANUARY 1, 2013**

**HOW YOU MUST CARRY OUT YOUR STATUTORY DUTY TO VERIFY**  
ANNUAL, 180 DAY, 90-DAY (fee required/no fee required) **SORA 0000**

You are a **TIER I / TIER II / TIER III** under Maine's SORNA. Within 3 days, you must bring this form, a **current passport photograph** and a form of legal identification with you to the law enforcement agency having jurisdiction where you are domiciled. Law enforcement agency means the municipality's police department, or if there is not a police department than you must go to the sheriff department within your jurisdiction

**"DOMICILE"** MEANS THE PLACE WHERE A PERSON HAS THAT PERSON'S ESTABLISHED, FIXED, PERMANENT OR ORDINARY DWELLING PLACE OR LEGAL RESIDENCE TO WHICH, WHENEVER THE PERSON IS ABSENT, THE PERSON HAS THE INTENTION OF RETURNING. A PERSON MAY HAVE MORE THAN ONE RESIDENCE BUT ONLY ONE DOMICILE.

DATE SENT: INSERT DATE

RETURN BY: INSERT DATE

MAILING ADDRESS:

NAME  
XXXXXXX  
XXXXXXX  
XXXXXXX

DOMICILE/PHYSICAL ADDRESS:

NAME Date of Birth: 00/00/0000  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX

Height: XXXX

Weight: XXXX

Hair: XXXX

Eyes: XXXX

LAND LINE #: XXX-XXX-XXXX

CELL PHONE #: XXX-XXX-XXXX

RESIDENCE ADDRESS:

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX

RESIDENCE ADDRESS:

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX

WORK ADDRESS:

**If not applicable, use None**  
XXXXXX  
XXXXXX

SCHOOL ADDRESS:

**If not applicable, use None**  
XXXXXX  
XXXXXX

WORK ADDRESS:

**If not applicable, use None**  
XXXXXX  
XXXXXX

SCHOOL ADDRESS:

**If not applicable, use None**  
XXXXXX  
XXXXXX

Probation Officer: XXXXXXXXX

Probation Officer Phone No. XXX-XXXX

**INTERNET IDENTIFIERS** (email addresses or other designations used for self-identification or routing in Internet communication or postings): XXX

**PROFESSIONAL LICENSE:** XXXXXXXXXXXXXXX

**PASSPORT AND IMMIGRATION DOCUMENTS RECEIVED:** YES/NO

**DRIVERS LICENSE #:** XXXXXXXXXXXX **STATE:** XXXXXXXXX

**MOTOR VEHICLE INFORMATION (owned, leased or used):**

(Lease means a transfer of the right to possession and use of a motor vehicle for a term of 30 days or more in return for consideration)

**REGISTRATION:**

**YEAR:** XXXX **COLOR:** XXXXXXXXXXXX **MAKE:** XXXXXXXXXXXX **MODEL:** XXXXXXXXXXXXXXX

**LICENSE PLATE #:** XXXXXXXXXXXXXXXXXXXXXXX

**LOCATION OF VEHICLE (physical address):** XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

**I UNDERSTAND THAT MAKING A FALSE STATEMENT THAT I DO NOT BELIEVE TO BE TRUE ON THIS FORM CONSTITUTES A CRIMINAL OFFENSE, AND MAY BE PROSECUTED AS UNSWORN FALSIFICATION PURUANT TO 17-A M.R.S. § 453 (CLASS D)**

Registrant signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

**TO BE FILLED OUT BY LAW ENFORCEMENT AGENCY HAVING JURISDICTION**

Law Enforcement Agency: \_\_\_\_\_ ORI: \_\_\_\_\_

Name of Officer (print): \_\_\_\_\_

Signature of Officer: \_\_\_\_\_ Date: \_\_\_\_\_

**Form of Identification used for Verification:**

**FEE ENCLOSED?** Yes No **CURRENT COLOR PASSPORT PHOTO ENCLOSED?** Yes No

Fingerprint of left index finger rolled	Fingerprint of right index finger rolled
---	--

(Indicate substitute digit if Index finger not available)

**NOTE: PLEASE PHOTOCOPY IF YOU WOULD LIKE A COPY OF THIS DOCUMENT FOR YOUR RECORDS**

Appendix 5



SEX OFFENDER REGISTRATION AND NOTIFICATION  
ACT OF 2013 34-A M.R.S. §§11271 - 11304

NOTICE OF CHANGE OF INFORMATION REPORT  
FOR REGISTRANTS CONVICTED  
ON OR AFTER JANUARY 1, 2013

AND

DATE OF OFFENSE MUST BE ON OR AFTER JANUARY 1, 2013

TO: State Bureau of Identification, Sex Offender Registry, 42 State House Station, Augusta, ME  
04333-0042

NAME (Last, First, Middle): \_\_\_\_\_

DATE OF BIRTH (Year, Month, Day): \_\_\_\_\_

GENDER: (M) (F) Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_

ONE OR MORE OF THE FOLLOWING HAS CHANGED. CHECK OFF ALL THAT APPLY

NEW NAME CHANGE: \_\_\_\_\_

PROBATION OFFICER'S NAME: \_\_\_\_\_

DOMICILE (HOME)  MAILING  RESIDENCE  SCHOOL OR COLLEGE  PLACE OF  
EMPLOYMENT  
(Primary address) (Secondary address)

INTERNET IDENTIFIERS  HOME PHONE #  CELL PHONE #

DRIVER'S LICENSE:  Yes  No DRIVERS LIC #: \_\_\_\_\_ STATE: \_\_\_\_\_ COPY

ENCLOSED  Yes  No

ANY PROFESSIONAL LICENSE:  Yes  No COPY ENCLOSED  Yes  No

ANY PASSPORT/IMMIGRATION DOCUMENTS:  Yes  No COPY ENCLOSED  Yes  No

MOTOR VEHICLE INFORMATION  Yes  No (owned, leased or used) REGISTRATION &

LOCATION OF VEHICLE

YEAR \_\_\_\_\_ COLOR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ LICENSE PLATE #

LOCATION OF VEHICLE (physical address): \_\_\_\_\_

(Lease means a transfer of the right to possession and use of a motor vehicle for a term of 30 days or more in return for consideration.)

YOU MUST COMPLETE INFORMATION FOR EACH BOX YOU CHECKED OFF ABOVE.

**NEW DOMICILE (Home) ADDRESS (Primary Physical Location):** \_\_\_\_\_

**HOME PHONE #** \_\_\_\_\_ **CELL PHONE #** \_\_\_\_\_

**INTERNET IDENTIFIERS** (email addresses, other designations used for self-identification or routing in Internet communication or postings: \_\_\_\_\_

**NEW MAILING ADDRESS:** \_\_\_\_\_

**RESIDENCE ADDRESSES (Secondary Physical Address, other than Domicile):** \_\_\_\_\_

**PLACE OF EMPLOYMENT (NAME AND PHYSICAL LOCATION):** \_\_\_\_\_

**PLACE OF SCHOOL OR COLLEGE (NAME AND PHYSICAL LOCATION):** \_\_\_\_\_

**6. TEMPORARY LODGING ADDRESSES AND DATES OF TRAVEL PRIOR TO 21 DAYS BEFORE TRAVELING BEYOND THE JURISDICTION OF THE UNITED STATES (if applicable):**

**I UNDERSTAND THAT MAKING A FALSE STATEMENT THAT I DO NOT BELIEVE TO BE TRUE ON THIS FORM CONSTITUTES A CRIMINAL OFFENSE, AND MAY BE PROSECUTED AS UNSWORN FALSIFICATION PURSUANT TO 17-A M.R.S. §453 (CLASS D)**

**I UNDERSTAND THAT CHANGES IN INFORMATION MUST BE REPORTED IN WRITING TO THE MAINE STATE POLICE, MAINE STATE BUREAU OF IDENTIFICATION, WITHIN 3 DAYS. I MUST ALSO NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WITHIN 24 HOURS. I UNDERSTAND IF I MOVE TO ANOTHER STATE, I MUST REGISTER THE NEW ADDRESS WITH THE MAINE STATE BUREAU OF IDENTIFICATION. IF THE NEW STATE HAS A REGISTRATION REQUIREMENT, I MUST REGISTER WITH THE DESIGNATED LAW ENFORCEMENT AGENCY IN THE NEW STATE NOT LATER THAN 3 DAYS AFTER ESTABLISHING RESIDENCE IN THAT STATE OR AS REQUIRED BY THAT STATE'S LAW.**

**REGISTRANT SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## **DEFINITIONS:**

1.) "**Another state**" means each of the several states except Maine, and includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

2.) "**Domicile**" means the place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile.

3.) **Employment and College or School**

A. Within 24 hours of beginning full-time or part-time employment, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year in this State; or

B. Within 24 hours of beginning college or school on a full-time or part-time basis in this State.

4.) "**Jurisdiction**" means the Federal Government, including the military, this State, another state or a tribe.

5.) "**Law enforcement agency having jurisdiction**" means the chief of police in the municipality where a registrant or an offender expects to be or is domiciled. If the municipality does not have a chief of police, "law enforcement agency having jurisdiction" means the sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.

6.) "**Residence**" means that place or those places, other than a domicile, in which a person may spend time living, residing or dwelling. Proof that an offender has lived in the State for 14 days continuously or an aggregate (total) of 30 days within a period of one year gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person has established a residence for the purposes of registration requirements imposed by this chapter.

**Appendix 6**  
**SUMMARY OF PROCEDURES FOR INSTITUTIONS**  
**RELEASING SEX OFFENDERS**

- A. The State Department of Corrections, the county jail or the state mental health institute that has custody of a registrant required to register shall inform the registrant, prior to discharge or conditional release, of the duty to register. If a registrant does not serve a period of institutional confinement, the court shall inform the registrant at the time of sentencing of the duty to register<sup>43</sup>.
- B. The department, county jail, state mental health institute or court shall:
1. Inform the registrant of the duty to register and obtain the information required for the initial registration.
  2. Inform the registrant of the requirement to notify the law enforcement agency (LEA) having jurisdiction pursuant to 34-A M.R.S. § 11203 (1) (B)).
  3. Inform the registrant that if the registrant changes domicile or changes residence, place of employment or college or school being attended, the registrant shall give the new address to the bureau in writing within 5 days (SORNA of 1999) and 3 days (SORNA of 2013) and shall notify the LEA having jurisdiction within 24 hours.
  4. Inform the registrant that if the registrant changes domicile to another state, the registrant shall register the new address with the bureau and if the new state has a registration requirement, the registrant shall register with a designated LEA in the new state not later than 5 days (SORNA of 1999) and 3 days (SORNA of 2013) after establishing domicile in the new state.
  5. Inform the registrant that if that registrant has P/T or F/T employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if that registrant enrolls in any type of school in another state on a P/T or F/T basis, the registrant shall give the bureau the registrant's place of employment or school to be attended in writing within 5 days (SORNA of 1999) and 3 days (SORNA of 2013) after beginning work or attending school and if the other state has a registration requirement, shall register with the designated LEA in the other state.
  6. Obtain fingerprints and a photograph of the registrant or the court may order the registrant to submit to the taking of fingerprints and a photograph at a specified LEA within 3 days if the fingerprints and photograph have not already been obtained in connection with the offense that necessitates registration.
  7. Enforce the requirement that the registrant read and sign a form provided by the bureau that states that the duty of the registrant to register under this section has been explained.

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<sup>43</sup> 34-A M.R.S. §§ 11222(2) (SORNA of 1999 and 11282.

### WHAT IS “COMMUNITY NOTIFICATION”?

- Community notification refers to laws that require local law enforcement to disclose to the public relevant information about certain convicted sex offenders upon their release from prison, work release, or another secure facility. Such information may include the sex offender’s address, past crimes, description of offense for which the offender was convicted, physical description and/or photograph, and conditions of release.

- Community notification laws are different from sex offender registration laws, which simply require convicted sex offenders who are living in the community to notify the police of where they are living.

### HOW AND WHEN ARE COMMUNITIES NOTIFIED?

- In Maine, notification of community members, as well as the extent of that notification, is determined by the law enforcement agency serving the particular community. The agency must notify those members of a community determined appropriate to ensure public safety. While there are minimum standards for law enforcement policies regarding such notification, to some extent jurisdictions in Maine may establish their own notification practices. Therefore, there may be variations of community notification practices from one geographic area to the next.

### WHY AREN’T COMMUNITIES INFORMED OF ALL SEX OFFENDERS WHO ARE RELEASED FROM PRISON?

- The intent of the community notification law is that the community receives information that is RELEVANT and NECESSARY to enhance its safety. Not all sex offenders pose a risk to all residents and knowing about every convicted sex offender does not necessarily enhance safety.

### WHY ARE CONVICTED SEX OFFENDERS ALLOWED TO LIVE IN OUR COMMUNITY?

- When sex offenders (or any person who has been convicted of a crime) have served their time in prison, they are free to live and work where they choose. Though this may be frustrating, it is a protection of constitutional rights. At the same time, though, some sex offenders may have some restrictions imposed if they are still under supervision, such as probation.

### RESOURCES AND TELEPHONE NUMBERS

To report a crime against a child, contact your local police department.

To report suspected child abuse within a family, contact the Department of Health and Human Services at **1-800-452-1999**.

To get help and assistance, contact your local sexual assault support center’s statewide, 24-hour, confidential support line at **1-800-871-7741**.

To view the registered sex offenders living in Maine visit the State of Maine Sex Offender Registry: <http://www.informe.org/sor/>

*Information contained in this brochure is designed to enhance public safety and awareness. However, no law can guarantee the protection of our children. There is no substitute for common safety precautions.*

**A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders**

CONTACT YOUR LOCAL  
SEXUAL ASSAULT SUPPORT CENTER  
FOR MORE INFORMATION

**Statewide, 24-hour, confidential  
sexual assault support line  
1-800-871-7741**

**TTY: 1-888-458-5599**

For a link to one of Maine’s  
sexual assault support centers go to:  
[www.mecasa.org](http://www.mecasa.org)

### A Guide for Communities, Organizations and Schools about Community Notification of Sex Offenders

Information in this brochure is designed for:  
*State and local leaders, Citizens  
and Community Organizations.*

Knowledge that a convicted sex offender has moved into your neighborhood can be a frightening and overwhelming experience. It can also bring on an intense reaction from parents, neighbors, schools, and organizations in the community.

### SOME OF THE MOST OFTEN ASKED QUESTIONS INCLUDE:

- What does this mean?
- How can this happen?
- What do we tell our children?
- How do we support our community and calm people’s fears?
- What are the roles and responsibilities of parents, communities, and schools?
- What are the limits of community notification laws?
- What resources are available to help me learn more about the notification process?

**This brochure will address many of these questions and concerns. It will also provide suggestions on enhancing the safety of the community as well as information on prevention of child sexual abuse.**



## **WHO ARE THE PERPETRATORS OF CHILD SEXUAL ABUSE?**

- Studies on who commits child sexual abuse vary in their findings, but the most common finding is that the majority of sexual offenders against children are not strangers but family members or someone the child knows.
- Research further shows that men are most often perpetrators, although there are cases in which women are also offenders.
- Despite a common myth, homosexual men are not more likely to sexually abuse children.

## **WHAT SHOULD WE TELL OUR CHILDREN IN THE COMMUNITY ABOUT THIS SEX OFFENDER WHO HAS MOVED INTO OUR NEIGHBORHOOD?**

- Open communication between parents and children are vital components of personal safety. As a parent or other responsible adult who has become aware of the presence of a convicted sex offender, your first decision will be whether or not to tell the child of the sex offender and if so, what to tell the child.
- It is best not to share scary details about a specific case or offender. Rather, let your child know that the offender has hurt someone before and should be avoided. Tell your children to let you or another trusted adult know immediately if the offender approaches them or their friends. Keep information general, as this may protect them not only against the known offender but others who may try to harm them as well. In other words, it is most helpful if you talk about basic safety in general terms and about situations or actions rather than certain individuals.

## **NOW THAT THE COMMUNITY KNOWS THAT A SEX OFFENDER LIVES IN THE NEIGHBORHOOD,**

### **WHAT SHOULD WE DO DIFFERENTLY TO PROTECT OUR CHILDREN AND OURSELVES?**

- Although it is alarming to be notified that a sex offender is living in your neighborhood, knowing of a specific offender generally does not assure safety. In fact, there are thousands of sex offenders living in Maine today and you may already be living near one of them. It is best to practice general safety strategies

ALL THE TIME and learn to recognize potentially dangerous situations to protect yourself.

- While the new community notification law allows law enforcement to tell you about some sex offenders, this is not a guarantee of safety from sex offenses. It is important to know that sex offenders cannot be identified by looks, race, gender, or occupation. A sex offender can be anyone, so precautions need to be taken at all times. Open communication between parents and children are vital components of safety. Review safety tips, and be aware of common lures.
- Remember that community notification is not about chasing sex offenders out of our neighborhoods. Be attentive and report any violations or suspicious behavior the offender is engaged in, but DO NOT threaten, intimidate, or harass the offender. An offender who is put in a stressful state is more likely to relapse.

## **WHAT ARE WE AS CITIZENS PROHIBITED FROM DOING?**

- Experts believe sex offenders are less likely to re-offend if they live and work in an environment free of harassment. Any actions taken against the individual named in the notification, including vandalism of property; verbal or written threats of harm; or physical violence against this person, his or her family, or employer, will result in arrest and prosecution of criminal acts.



## **AVAILABLE RESOURCES TO COMMUNITIES**

Assistance and support are available to those communities in which a convicted sex offender has been or will soon be released. Among the forms of available assistance are:

### **FACILITATION OF COMMUNITY FORUMS**

Multi-disciplinary panels are available to facilitate community meetings as a means to present sensitive information to the public. Typically, such meetings include an overview of the community notification laws and practices. Misinformation is countered and fears and concerns are addressed. Actions that citizens can take to enhance the safety of their community is emphasized. These panels generally consist of individuals from varied backgrounds which

may include representatives from law enforcement, social services, clergy, and mental health, probation, sex offender treatment providers, and sexual assault advocates. For more information, call your local sexual assault support center.

### **CONSULTATION**

Speakers and consultants from your local sexual assault support center in collaboration with law enforcement and other service providers are available to schools, churches, and other community organizations to help use notification as an opportunity to educate their communities.

*This brochure was based on a brochure created by the Cumberland County Child Abuse and Neglect Council/Youth Alternatives.*



## MAINE STATE POLICE GENERAL ORDER

### M-11

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE CREATION AND PRESERVATION OF RECORDINGS, ORIGINAL NOTES, AND RECORDS RELATING TO INVESTIGATIONS OF POSSIBLE FELONY CRIMES

**EFFECTIVE DATE:** 11.12.2019

**RECENT HISTORY:** AMENDED (11.12.2019); REVISED (09.19.2019); AMENDED (12.21.20172); AMENDED (11.30.2017); RESCINDS AND REPLACES MSP GO M-11; RESCINDS MSP GO E-94 & MSP GO PD 2008-002 (08.23.2011); RESCINDS G.O. 2006 MSP 3B (12.14.2006)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the recording of interviews of persons who are suspected by an officer of having possibly committed murder or any Class A, B, or C crime, and the preservation of investigative notes and records in such cases.

#### II. POLICY

1. The policy of the Maine State Police is –
  - A. To record interviews of persons who are suspected by an officer of having possibly committed a felony crime, as “felony crime” is defined in this policy; and
  - B. To preserve such recordings, as well as investigative notes and records in such cases, in accordance with Maine law and this policy.

***Note: Because this is a statutorily-mandated policy, officers shall abide by the policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.***

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Custodial interrogation. "Custodial interrogation" means an interrogation during which (1) a reasonable person would consider her- or himself to be in custody in view of the circumstances, and (2) that person is asked one or more questions by a law enforcement officer that is likely to elicit an incriminating response.
  - B. Felony crime. "Felony crime" means murder or any Class A, Class B, or Class C crime.
  - C. Record. "Record" means:
    1. When used as a verb, mean the act of making a recording; and
    2. When used as a noun, any written, printed, or graphic matter, or any mechanical or electronic data compilation, from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension.
  - D. Recorder. "Recorder" means a device capable of making a recording.
  - E. Recording. "Recording" means a digital, electronic, audio, or audio-video memorialization of information in a medium that, at a minimum, allows for subsequent audio reviews of that information.

### IV. PROCEDURE

1. RECORDING OF CERTAIN INTERVIEWS REQUIRED
  - A. Unless otherwise expressly exempted by this policy, an officer shall record interviews of persons who are suspected by the officer of having possibly committed one or more felony crimes.
    1. Such interviews must be conducted in accordance with relevant case law, including, but not limited to, relevant case law regarding custodial interrogations.
    2. When such a recording of an interview is made, the recording must include the administration of any warnings, such as *Miranda*, that are given as part of the interview.
2. REQUESTS FOR INTERPRETER ASSISTANCE
  - A. If a person whose interview must be recorded pursuant to this policy does not speak fluent English, then the officer who is to conduct the interview shall consider whether requesting an interpreter to assist with the interview is necessary.
    1. If the officer determines that such assistance is necessary, then the officer shall request the assistance of the communications center of jurisdiction to locate an interpreter.

2. If the person whose interview must be recorded requests an interpreter, then the officer shall request the assistance of the communications center of jurisdiction to locate an interpreter, and shall not conduct the interview until an interpreter is present to assist with the interview.
3. DOCUMENTATION OF RECORDINGS REQUIRED BY THIS POLICY
  - A. An officer shall document each instance in which an interview is recorded pursuant to this policy.
    1. If an interview that should have been recorded pursuant to this policy is not recorded, the officer shall document the reason or reasons why the recording was not made.
4. RECORDERS
  - A. Each officer of the Maine State Police shall be issued a recorder.
    1. Personally-owned recorders must **not** be used to conduct Maine State Police business.
  - B. Each officer of the Maine State Police is responsible for knowing how to properly operate a recorder issued to her or him.
    1. If an officer does not know how to properly operate a recorder, the officer shall seek instruction from her or his supervisor on how to do so.
5. PRESERVATION AND STORAGE OF RECORDINGS
  - A. An officer who makes a recording required by this policy shall ensure that the original copy of the recording is properly preserved.
    1. Original recordings must be stored at Maine State Police-controlled facilities and/or on Maine State Police-controlled computer systems.
    2. Original recordings may **neither** be stored at any facility or place not controlled by the Maine State Police, **nor** on any computer or other device not controlled by the Maine State Police.
      - a. This prohibition includes, but is not limited to, the storage of original recordings at officers' residences or on officers' personal computers or personal electronic devices.
6. OWNERSHIP OF RECORDINGS
  - A. Recordings created during the course of a Maine State Police investigation are the exclusive property of the Maine State Police and may **neither** be retained for personal use **nor** disseminated outside the scope of an officer's employment.

7. EXEMPTIONS TO THE AUDIO RECORDING REQUIREMENT OF THIS POLICY

- A. The following circumstances are exempt from the interview-recording requirement of this policy:
1. Circumstances in which recording the interview is not feasible, including, but not limited to, circumstances in which a recorder malfunctions or is not available;
  2. Circumstances in which spontaneous statements are made that are not in response to interview questions;
  3. Circumstances in which statements are made in response to a question that is routinely asked during the processing of the arrest of a person;
  4. Circumstances in which a statement is being given during a custodial interrogation at a time when the interviewer is unaware that a felony crime has occurred;
  5. Circumstances in which a person who is subject to a custodial interrogation refuses to have an interview electronically recorded and that refusal is made in writing or is electronically recorded.

8. ORIGINAL NOTES; RECORDS

- A. In all cases involving one or more felony crimes, investigating officers shall ensure that their original notes are preserved until such a time that all appeals in a case are exhausted or all post-conviction review periods have passed.
- B. In all cases involving one or more felony crimes, investigating officers shall ensure that the records material to the investigation of such a crime are preserved until such time that all appeals in a case are exhausted or the post-conviction review periods have passed.
- C. Original notes and records must be stored at Maine State Police-controlled facilities and/or on Maine State Police-controlled computer systems, and may **neither** be stored at any facility or place not controlled by the Maine State Police, **nor** on any computer or other device not controlled by the Maine State Police.
- a. This prohibition includes, but is not limited to, the storage of original notes and records at officers' residences or on officers' personal computers or personal electronic devices.

9. OWNERSHIP OF ORIGINAL NOTES AND RECORDS

- A. Original notes and records created or ascertained during the course of a Maine State Police investigation are the exclusive property of the Maine State Police and may **neither** be retained for personal use **nor** disseminated outside the scope of an officer's employment.

10. DISCOVERY OBLIGATIONS

- A. Recordings, original notes, and records contemplated in this policy must be made available to prosecuting attorneys, including, but not limited to, so that copies of such may be provided to accused persons or their attorneys.

**NOTICE**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MISSION STATEMENT, GOALS, AND OBJECTIVES | **NUMBER:** E-1

**EFFECTIVE DATE:** 03.01.1994 | **RECENT HISTORY :** CONVERTED TO WEB FORMAT ON 01.09.2009

**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of this general order is to provide guidelines for the formulation, annual updating, and distribution of the Bureau's mission statement, goals, and objectives.
  - A. The Bureau's Mission Statement, Goals, and Objectives provide direction for all personnel. Through the use of clearly identified goals and objectives individual unit commanders and supervisors may focus the efforts of their personnel in a unified direction.

### II. POLICY

1. The policy of the State Police is to define its mission and pro-actively manage the activities of the Bureau through the development of goals and objectives.
2. Additionally, it is the policy of the Bureau to have all members of this Bureau involved in the development process, either directly or indirectly.

### III. DEFINITIONS

1. Goal: A relatively broad statement of the end or result that one intends ultimately to achieve. A goal usually requires a relatively long time span to achieve and, whenever possible, should be stated in a way that permits measurement of its achievement.
  - A. A goal is: "A simple, single sentence expression which indicates, at a minimum, a result or end state to be achieved.
  - B. A goal begins with the word "to" followed by a declaration of a desired result, for example: To reduce the number of alcohol-related fatalities.
  - C. A qualifying phrase may be added, for example: ...without causing unacceptable levels of adverse public relations.
2. Mission Statement: A rather concise statement of the prominent responsibilities of the Bureau and how the Bureau will develop.
3. Objective: An end result that one intends to attain in order to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal and, therefore, requires a shorter time to accomplish than does a goal.
  - A. An objective is a precisely stated condition or end product to be achieved. Each objective should be clearly defined as to what specifically constitutes its achievement, such as a specific performance level, percentage improvement, or due date.
    1. Example: In 1994 Troop D will reduce the number of accidents at the

intersection of Rt. 17 and 220 by 5% of the accidents reported in 1993. Plans to address this objective could include:

- a. Public education through newspapers and schools of how dangerous this intersection is and the number of accidents that occur;
  - a. Increase presence of officers in the area;
  - b. Increase contact/enforcement with violators, and/or
  - c. Contact DOT and have them conduct a study of the accident/traffic patterns; or
4. Staff Officer: A senior ranking sworn member of this Bureau. This member may hold the rank of Lt. Colonel or Captain, and is responsible for the coordination or supervision of a major organizational component.

#### **IV. PROCEDURE**

1. By December 1st of each year the Mission Statement will be developed and distributed to all personnel. Accompanying this statement will be a request for suggested goals from all personnel. Responses will:
  - A. Be in memo form, addressed to the Colonel, with a copy to the individual's commanding officer;
  - B. Indicate what goals should be developed for the Bureau, and why; and
  - C. Include the submitting individual's name.
2. By December 15th, correspondence will be sent to all Staff Officers including a summary of the suggested Goals. This correspondence will direct the Staff Officers to review the suggested Goals with subordinate commanders and develop provisional Goals for the forthcoming year for each organizational component they command.
3. The Lieutenant Colonel will schedule a meeting prior to January 15th with the Staff Officers to discuss and finalize the Goals.
4. These Goals will then go to subordinate units where unit commanders will develop their Objectives with the assistance of their personnel.
5. Upon completion of the Objectives within the unit, unit commanders will meet with respective Staff Officers for final approval, by January 31st.
6. Finalized Bureau Goals and Unit Objectives will be distributed to all personnel in the form of a Written Directive, by February 15th.
7. A written evaluation stating the progress made toward the attainment of the Goals and Objectives will be provided by all Staff Officers to the Colonel, biannually. A final report will be submitted and received prior to December 31st.
8. Staff Officers will ensure that unit commanders under their span of control are briefed and understand the newly developed Goals.
9. Unit commanders will ensure that personnel within their command are briefed and understand the newly developed Goals and Objectives.
10. Staff Officers and unit commanders will be responsible for directing their units so that goals and objectives are achieved.

#### **REFERENCE**

"Standards for Law Enforcement Agencies", Commission on Accreditation for Law Enforcement Agencies.

"A Guide to Policing by Objectives", Maine State Police 1984.

"Improving the Use of Management by Objectives in Police Departments", National Institute of Justice, Research Report, 1986.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE OATH OF OFFICE AND LAW ENFORCEMENT CODE OF ETHICS POLICY | **NUMBER:** E-2

**EFFECTIVE DATE:** 05.05.2010 | **RECENT HISTORY:** REVISES MSP GO E-2 (05.05.2010); CONVERTED TO WEB FORMAT ON 01.09.2009; FORMERLY G.O. 1B (EFFECTIVE DATE 08.14.2007), WHICH RESCINDED THE PREVIOUS VERSION OF G.O. 1B (EFFECTIVE DATE 02.08.1993)

**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of this General Order is to update the Maine State Police policy concerning the Maine State Police Oath of Office and Law Enforcement Code of Ethics.

### II. POLICY

1. The policy of the State Police is:
  - A. To administer a *Maine State Police Oath of Office for Enlistment* to individuals enlisting as sworn law enforcement officers with the Maine State Police;
  - B. To administer a *Maine State Police Oath of Office for Promotion* to Maine State Police officers at times they are promoted; and
  - C. To require newly enlisted and promoted officers to read and agree to abide by the *Law Enforcement Code of Ethics*.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Code. "Code" means the Law Enforcement Code of Ethics.
  - B. Oath of Office for Enlistment. "Oath of Office for Enlistment" means the oath of office administered to individuals enlisting as sworn officers with the Maine State Police.
  - C. Oath of Office for Promotion. "Oath of Office for Promotion" means the oath of office administered to Maine State Police officers at a time of promotion.

### IV. PROCEDURE

1. THE OATH
  - A. To assume a sworn status, all Maine State Police officers must take and agree to abide by the Oath of Office for Enlistment.
  - B. All recruits shall take the Oath of Office for Enlistment during their last week at the Maine Criminal Justice Academy.
    1. In the case of an operational emergency, the Colonel of the Maine State Police may authorize the administration of the Oath of Office for Enlistment earlier than the last week of the academy.

- C. All newly promoted sworn officers shall take the Oath of Office for Promotion at the time they are promoted.
  - D. Both the Oath of Office for Enlistment and the Oath of Office for Promotion must be administered by the Colonel, or designee.
2. THE CODE
- A. All officers shall read and agree to abide by the Code.
  - B. All recruits shall read and agree to abide by the Code within one day of being hired by the Maine State Police.
  - C. All newly promoted sworn personnel shall re-affirm their agreement to abide by the Code at each time of promotion.
3. ADMINISTRATION OF THE OATH AND CODE
- A. At the time of the administration of the Oath of Office for Enlistment, an individual taking such oath shall raise his or her right hand and repeat the Colonel's, or designee's, reading of the oath. After doing so, the newly sworn officer shall sign a copy of the Oath of Office for Enlistment. The signed copy of the Oath of Office for Enlistment shall be placed in the newly sworn officer's personnel file.
  - B. At the time of the administration of the Oath of Office for Promotion, an officer taking such oath shall raise his or her right hand and repeat the Colonel's, or designee's, reading of the oath. After doing so, the officer shall sign a copy of the Oath of Office for Promotion. The signed copy of the Oath of Office for Promotion shall be placed in the newly promoted officer's personnel file.
  - C. After the administration of the appropriate oath, the Colonel, or designee, shall review the Code with each newly sworn or promoted officer, who shall thereafter sign a copy of the Code. The signed copy of the Code shall be placed in the officer's personnel file.

#### ATTACHMENTS

[Maine State Police Oath of Office for Enlistment](#)

[Maine State Police Oath of Office for Promotion](#)

[Law Enforcement Code of Ethics](#)

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



STATE OF MAINE  
MAINE STATE POLICE

OATH OF OFFICE FOR ENLISTMENT

I, NAME OF OFFICER, do hereby acknowledge to have voluntarily enlisted this DAY DATE day of MONTH as a State Police Officer of the State of Maine, under the conditions prescribed by law, and I solemnly swear that I will bear true faith and allegiance to the United States of America and the State of Maine. I do also solemnly swear that I will carry out the duties of my office to the best of my ability, and that I will obey the orders of the Governor of the State of Maine and of the officers appointed over me according to law and the rules and regulations of the State Police, and that I will uphold the Constitution of the United States and the State of Maine, so help me God.

Signature of Officer Taking the Oath:

Signature of Officer Administering the Oath:

Date:



**STATE OF MAINE  
MAINE STATE POLICE**

**OATH OF OFFICE FOR PROMOTION**

**I**, NAME OF OFFICER, do hereby acknowledge that I am being promoted to the rank of RANK, under the conditions prescribed by law, and I solemnly swear that I will bear true faith and allegiance to the United States of America and the State of Maine. I do also solemnly swear that I will carry out the duties of my office to the best of my ability, and that I will obey the orders of the Governor of the State of Maine and of the officers appointed over me according to law and the rules and regulations of the State Police, and that I will uphold the Constitution of the United States and the State of Maine, so help me God.

Signature of Officer Taking the Oath:

Signature of Officer Administering the Oath:

Date:



STATE OF MAINE  
MAINE STATE POLICE

LAW ENFORCEMENT CODE OF ETHICS  
THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

**A**S A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.

Signature of Officer:

\_\_\_\_\_



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE MAINE STATE POLICE CHAIN-OF-COMMAND | **NUMBER:** E-12  
**EFFECTIVE DATE:** 08.04.2017 | **RECENT HISTORY:** AMENDED (08.04.2017); REVISES MSP GO E-12 (FORMERLY G.O. 11N) (05.05.2010); MSP GO E-12 (FORMERLY G.O. 11N) NEW (09.01.2005)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

**I. PURPOSE**

1. The purpose of this General Order is establish the Maine State Police Chain-of-Command notification process to be used with respect to specified types of incidents in which the Maine State Police becomes involved.

**II. POLICY**

1. The policy of the Maine State Police is to:
  - A. Ensure that notification and information regarding specific types of incidents in which the Maine State Police becomes involved is communicated effectively through the Maine State Police Chain-of-Command so that appropriate supervisory links in the chain are kept informed and are able to make operational decisions when necessary;
  - B. Ensure that each link in the Maine State Police Chain-of-Command is vested with appropriate authority and discretion to ensure that the agency is able to effectively and efficiently respond to specific types of incidents.

**III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Incident. "Incident" means an event or an operation.
  - B. MCU. "MCU" is an acronym of Major Crimes Unit. The Maine State Police has three (3) such units.
  - C. Officer of the Day ("OD"). "Officer of the Day" ("OD") means an officer responsible for a Troop, Division, Unit, or Section

during an assigned, specified period of time.

- D. Section. "Section" means a designated group within a Troop, Division, or Unit.
- E. Specialized Team. "Specialized Team" means a special response team involved in emergency or hazardous response such as the Tactical Team, Crisis Negotiation Team, Underwater Recovery Unit, Incident Management Assistance Team, or Bomb Team, but does not include a Canine Team comprised of a Canine and Handler.
- F. Standard workweek. "Standard workweek" means the period beginning at 0400 hours on Monday and extending to 1700 hours on Friday, excluding paid holidays and State temporary layoff days.
- G. State Officer of the Day. "State Officer of the Day" ("State OD") means the officer having overall supervisory responsibility the Maine State Police during an assigned, specified period of time.
- H. Unit. "Unit" means a component of the Maine State Police other than a Troop or a Division.
- I. Weekend. "Weekend" means the period beginning from 1700 hours on Friday through 0400 hours on Monday.
  - 1. When a paid holiday or a temporary layoff day falls within a standard week, the weekend also includes such types of days.

#### **IV. PROCEDURE**

##### **1. GENERAL DISCUSSION**

- A. To ensure that notification and information regarding specific types of incidents in which the Maine State Police becomes involved is communicated effectively within the agency, a formal Maine State Police Chain-of-Command structure and communication process is established.
- B. A key link in the Chain-of-Command structure and communication process is each of the designated respective Troop, Division, and Unit Section "Officers of the Day" ("ODs").
- C. Another key link in the Chain-of-Command structure and communication process is the State "Officer of the Day" ("State OD").

##### **2. STATE OD**

- A. The Maine State Police must have a designated State OD on a daily basis.
- B. The State OD shall be available by cell phone and through the appropriate RCC during the standard workweek.
- C. The State OD is:
  - 1. The Colonel during the standard workweek.
    - a. If the Colonel is unavailable to serve as State OD, he or she shall designate another officer as State OD.
    - b. If the Colonel designates a State OD during the standard workweek, that designee shall notify the Augusta Regional Communications Center ("ARCC") of the designation, and request that the ARCC notify the other State Regional Communications Centers.
  - 2. A specifically assigned Lieutenant during the weekend.
    - a. The Maine State Police Lieutenants shall share the responsibility of serving as State OD on a rotating basis, per a schedule that is to be established semi-annually by the Lt. Colonel.
    - b. With the appropriate Division Major's prior approval, a Lieutenant who is unavailable to serve as the State OD as scheduled shall arrange for another Lieutenant to swap hour-for-hour as the State OD in the unavailable

Lieutenant's stead. The Lieutenant may not transfer his or her OD Weekend shift to another Lieutenant, but must swap the time with that other Lieutenant. Once he or she has done so, the unavailable Lieutenant shall inform the ARCC and the Colonel's Administrative Assistant of the Lieutenant who will be taking the State OD responsibility on behalf of the unavailable Lieutenant.

- D. Each Troop, Division, or Unit with officers who are scheduled to work or who are on-call must have a designated OD.
- E. The Troop, Division or Unit OD is:
  - 1. The Commanding Officer of the Troop, Division, or Unit during the standard workweek, unless the Commanding Officer of the Troop, Division, or Unit is unavailable. A Commanding Officer who is unavailable to serve as an OD shall designate the OD for his or her respective Troop, Division, or Unit.
  - 2. The Sergeant who is on-duty or on-call for a Troop or Unit during the weekend, unless:
    - a. The Commanding Officer of the Troop or Unit designates a different person as OD;
    - b. There is more than one Sergeant who is on-duty or on-call during a Section shift in the Troop or Unit, in which case the Commanding Officer of the Troop or Unit shall designate the OD for the Troop or Unit.
    - c. The Sergeant is unavailable to serve as the Troop OD or Unit OD.
      - (1) A Sergeant who is unavailable to serve as Troop OD or Unit OD shall designate a Corporal or other officer in the Troop or Unit to serve as the Troop or Unit's OD.
  - 3. One Sergeant in each Major Crimes Unit during the weekend. The MCU Sergeants shall share the responsibility of being the OD for their respective units on a rotating basis, per a schedule that is to be established semi-annually by the respective Commanding Officers of the three MCUs.
- D. Each Section of a Troop, Division, or Unit must have a designated OD.
  - 1. In most cases, the Sergeant supervising a given Section shall be the Section OD for his or her Troop, Division, or Unit; however, if the Sergeant of a Section is unavailable to serve as OD for his or her given Section, he or she shall designate a Corporal as OD.
  - 2. If the Sergeant or Corporal is unavailable to serve as OD, he or she shall designate a Trooper as OD.
    - a. If the designated OD is a Trooper, the Trooper shall consult with an on-duty Sergeant from another Troop, Division, or Unit, whenever the Trooper needs advice or guidance in performing his or her OD duties.
      - (1) As soon as reasonably possible, a Trooper serving as a Section OD shall notify an on-duty Sergeant or Corporal of another Troop, Division, or Unit of critical calls and emergencies, and shall consult with that Sergeant if a decision in a particular matter must be made by a Sergeant according to agency policy. The Trooper also shall notify the Commanding Officer of the Troop, Division, or Unit as soon as practicable, if the Commanding Officer has previously requested such type of notification.
- 3. MAINE STATE POLICE CHAIN-OF-COMMAND STRUCTURE
  - A. During a standard workweek, when Chain-of-Command notification is necessary due to the occurrence of an incident specified in this policy:
    - 1. Troopers, Corporals, and Detectives shall notify their respective Section OD;
    - 2. Respective Section ODs shall notify the OD of their respective Troop, Division, or Unit;
    - 3. Respective Troop, Division, and Unit ODs shall notify the Major within their Chain-of-Command;

- a. If that Major is unavailable, Troop, Division, and Unit ODs are to notify the other Major or the Lt. Colonel, who shall then notify the Colonel; if the Majors and Lt. Colonel are unavailable, then Troop, Division, and Unit ODs are to notify the Colonel.
  - B. During the weekend, when Chain-of-Command notification is necessary due to the occurrence of an incident specified in this policy:
    1. Troopers, Corporals, and Detectives shall notify their respective Section OD;
      - a. If there is no Section OD to notify, Troopers, Corporals, and Detectives shall notify the OD of their respective Troops, Divisions, and Units;
    2. Respective Section ODs shall notify the OD of their respective Troop, Division, or Unit;
    3. Respective Troop, Division, and Unit ODs shall notify the State OD;
    4. The State OD shall notify the appropriate Division Major;
    5. The appropriate Division Major shall notify the Colonel, or the Colonel's designee.
- 4. MANDATORY NOTIFICATIONS WITHIN THE MAINE STATE POLICE CHAIN-OF-COMMAND**
- A. Troopers, Corporals, and Detectives shall notify their respective Section OD with respect to the following incidents:
    1. If the Trooper, Corporal, or Detective:
      - a. Responds to any incident (other than an incident of a routine nature) including, but not limited to, any incident that can reasonably be expected to present, or in fact presents, a dangerous situation to the officer, as well as any incident that may require a significant commitment of other Maine State Police officers and/or resources;
      - b. Assists another law enforcement agency in the agency's response to such an incident.
    - (1) Such notification must occur regardless of whether the assisting officer is on- or off-duty.
  - B. Section ODs shall notify their respective Troop, Division, or Unit OD with respect to the following incidents:
    1. If an officer who falls within their supervision:
      - a. Responds to a fatal crash whose investigation is the responsibility of the responding officer's Troop, Division, or Unit;
      - b. Is injured in any way;
      - c. Is threatened with a dangerous weapon;
      - d. Is involved in a motor vehicle crash and injury results to any person;
      - e. Is involved in a major incident that results in significant deployment or commitment of agency personnel and/or resources;
      - f. Is involved in a vehicular pursuit;
      - g. Is involved in an incident resulting in serious bodily injury to or the death of any person;
      - h. Is involved in a major event or incident that necessitates a response by a Maine State Police Specialty Team within the Troop or geographical responsibility of the OD;
      - i. Is involved in an incident to which the Troop, Division, or Unit Commanding Officer has assigned the

- officer;
2. When otherwise required to make such notification pursuant to any other Maine State Police policy. Troop, Division, and Unit ODs shall notify the appropriate Major (or, if that Major is unavailable, then the other Major or the Lt. Colonel, who shall then notify the Colonel) with respect to the following incidents:
    1. If any member of the Maine State Police is seriously injured or dies;
    2. If there is motor vehicle crash involving multiple fatalities;
    3. If there is homicide;
    4. If an elected State of Maine Federal or State official or constitutional officer is injured or dies;
    5. If a member of the Maine State Police uses deadly force;
    6. If a member of the Maine State Police seriously injures or causes the death of another person;
    7. If a major incident occurs that results in the deployment or commitment of agency personnel and/or resources;
    8. If an incident involving the Maine State Police or Maine State Police personnel occurs that will likely result in extensive media coverage or that is of a highly controversial nature;
    9. When otherwise required to make such notification pursuant to any other Maine State Police policy.
  - D. A Major notified in accordance with Part IV(4)(C), above, shall notify the Colonel, or the Colonel's designee if appropriate, if any of the incidents listed in Part IV(4)(C), occurs.
  - E. The leader or commander of a Specialty Team, as soon as possible after deciding to commit resources to a response, shall notify the Commanding Officer of Special Services, or his or her designee, of a team response to a request for service.
    1. Once notified, the Commanding Officer of Special Services, or his or her designee, shall notify the Major of Support Services or Operations, as applicable. If that Major is unavailable, then he or she shall notify the other Major or the Lt. Colonel, who shall then notify the Colonel of the response.
    2. Throughout an incident or team response, the Specialty Team commander or leader shall, to the extent practical, continue to provide updates to the Commanding Officer of Special Services, or his or her designee, regarding significant events or issues.

#### **5. GENERAL RESPONSIBILITY OF ODs IN EACH LINK OF THE CHAIN-OF-COMMAND, ONCE NOTIFIED**

- A. Once notified of a given incident, the responsibility of the respective ODs in each link in the Chain-of-Command is:
  1. To ensure that the next highest link in the Chain is or has been notified as required by this policy;
    - a. An OD may keep the next higher link in his or her Chain-of-Command aware of other information as well;
    - b. Notification may be in person, by telephone, by text messaging, or by any other technology that allows for timely notification to be made. In every case the person making notification shall ensure that the notification given, has been received.
  2. To determine what agency response is warranted.

- a. An OD may take what action he or she deems appropriate, ranging from noting the information to responding personally to an incident.**
6. MANDATORY RESPONSE OF SECTION ODs TO CERTAIN INCIDENTS
- A. A Section OD shall respond to and take command and control over the following types of incidents:
1. An incident to which the Troop, Division, or Unit OD, or any other superior officer, commands the Section OD to respond;
  2. An incident resulting in injury to or the death of a member of the Section OD's section;
  3. A fatal or serious motor vehicle crash involving a member of the Section OD's section;
  4. An incident in which a member of the Section OD's section seriously injures or causes the death of any person;
  5. An incident to which the Section OD has assigned three or more officers to respond;
  6. An incident involving members of two or more Maine State Police field Troops;
    - a. The Section OD may discuss the incident with other responding Troops' Section ODs to decide if one or more Section ODs will respond;
  7. Any major incident in which another agency has requested the assistance of the Maine State Police, e.g., a search for an alleged felon;
    - a. The Section OD may contact the agency by telephone to learn the circumstances surrounding the request. If the circumstances warrant, or if three or more Troopers are assigned to respond to the incident, the Section OD also shall personally respond to the incident and provide supervision;
  8. A fatal motor vehicle crash occurring in the jurisdiction of the section, and for whose investigation the Maine State Police will be responsible;
  9. An incident involving any unattended death that requires further investigation to determine if the death is suspicious in nature;
  10. An incident to which the Section OD is required to respond pursuant to any other Maine State Police policy.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE GENERAL ORDER

### E-13

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING GENERAL ORDERS

**NUMBER:** E-13

**EFFECTIVE DATE:** 01.01.2019

**RECENT HISTORY:** AMENDED (01.01.2019); AMENDED (07.11.2018); AMENDED (08.18.2017); AMENDED (RESCINDS MSP GO E-109)(07.14.2015); AMENDED (11.11.2014); AMENDS MSP GO E-13 (10.31.2011); AMENDS MSP GO E-13 (10.05.2009); AMENDS MSP GO E-13 (09.16.2008); RESCINDS G.O. 12C (8.14.2007)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the promulgation and implementation of Maine State Police General Orders.

#### II. POLICY

1. The policy of the Maine State Police is:
  - A. To issue General Orders that establish policies and procedures that are to be followed, to the extent applicable, by Maine State Police employees;
  - B. To include all Maine State Police sworn and civilian supervisors in the process of reviewing and providing feedback regarding proposed General Orders that will affect employees they supervise;

- C. To include a representative from the Maine State Troopers Association in the process of reviewing and providing feedback regarding proposed General Orders;
- D. To maintain an up-to-date authoritative listing of the General Orders that govern the Maine State Police; and
- E. To maintain at Maine State Police Headquarters the original, signed copies of General Orders, along with their respective attachments.

### **III. DEFINITIONS**

- 1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief, or Acting Chief, of the Maine State Police.

### **IV. PROCEDURE**

#### **1. ORGANIZATION OF GENERAL ORDERS**

- A. Each General Order is to have a title section that, at a minimum, provides the following information:
  - 1. The subject of the General Order;
  - 2. The reference number assigned to the General Order;
  - 3. The effective date of the General Order;
  - 4. The recent history of the General Order, which shall account for at least the most recent seven (7) year history of the order; and
  - 5. The distribution code of the General Order.
    - a. The distribution codes for General Orders are as follows:
      - 2** = Dissemination of the General Order is unrestricted and it may be disseminated to the public.
      - 1** = Dissemination of the General Order is restricted.
    - b. Orders may be distributed either in paper or electronic form, or made available on the Internet.
- B. At a minimum, each General Order is to have the following major parts:
  - 1. A "Purpose" section;

2. A "Policy" section;
3. A "Definitions" section; and
4. A "Procedure" section.

Major parts of a General Order may be composed of as many sections, subsections, paragraphs, and subparagraphs as necessary.

- C. Each General Order is to contain a notice at the conclusion of the Order that reads as follows:

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

- D. To have authority, a finalized copy of a General Order shall have an original signature of the Colonel.
- E. The authority of a General Order remains in effect until the order is rescinded or substantively amended or revised by a subsequent version of the same Order, or by a new Order.
- F. If two or more General Orders that are in effect conflict, the terms of the most recently issued Order take precedence and control.

## 2. DISTRIBUTION OF GENERAL ORDERS

- A. New, revised, and amended General Orders are to be distributed to the extent necessary and appropriate to ensure that the intent of respective General Orders is carried out.
- B. To the extent necessary and appropriate to ensure that the intent of General Orders is carried out, Maine State Police sworn and civilian supervisors are to ensure that personnel under their supervision review each new, revised, and amended General Order distributed to them.
  1. Whenever a new, revised, or amended General Order has been reviewed, sworn personnel are to electronically acknowledge that they have reviewed and understand the General Order.

### 3. AVAILABILITY OF GENERAL ORDERS

- A. Maine State Police employees are to have available to them, in paper or electronic form, the most recent version of each General Order that have a distribution code of "2".
- B. Sworn officers of the Maine State Police are to have available to them, in paper or electronic form, the most recent version of each General Order that have a distribution code of "2" and code of "1".
- C. When practicable, at least one copy of a General Order that has been rescinded, substantively amended, or revised is to be kept on file at Maine State Police Headquarters.

### 4. PROMULGATION OF PROPOSED GENERAL ORDERS

- A. A proposed General Order may be promulgated after consultation with a Maine State Police employee having specific knowledge or expertise regarding the subject matter of the proposed General Order (if such consultation is determined to be necessary), and in consideration of any existing or new laws and Maine State Police policies.
- B. Once a proposed General Order is drafted, the draft, and all attachments thereto, are to be distributed for review and comment to:
  - 1. Maine State Police sworn and civilian supervisors that supervise employees to whom the terms of the proposed General Order will apply;
  - 2. The President of the Maine State Troopers Association; and
  - 3. When deemed necessary and appropriate, personnel with expertise relating to the subject of a given proposed General Order.
- C. The duration of the review and comment period required in paragraph B, above, is to be communicated at the time the proposed General Order is distributed for review.
  - 1. The name of the person to whom comments regarding the proposed General Order are to be sent also is to be communicated at that time.
- D. Once the review and comment period required in paragraph B, above, has concluded, the proposed General Order and any attachments thereto may be edited in response to comments received during the review and comment period, or as necessary to further refine or clarify the intent and meaning of the proposed General Order.

1. If modifications of the proposed General Order are non-substantive, then the proposed General Order may be finalized for the Colonel's signature.
    - a. All attachments to the General Order shall be printed and attached to the printed copy of the General Order presented to the Colonel for signature.
  2. If modifications of the proposed General Order are substantive, the proposed General Order either may be redistributed for further review and comment, or may be finalized for the Colonel's signature.
    - a. All attachments to the General Order shall be printed and attached to the printed copy of the General Order presented to the Colonel for signature.
  3. The Colonel is to review the finalized proposed General Order and, if satisfied with the General Order, he or she may sign the order.
  4. The copies of the respective General Orders bearing the original signature of the Colonel, and the relevant attachments thereto, shall be maintained at Maine State Police Headquarters.
5. PROPOSALS TO PROMULGATE NEW GENERAL ORDERS AND AMENDMENTS OR REVISIONS TO EXISTING GENERAL ORDERS
- A. Any Maine State Police employee may propose a new General Order, or amendments or revisions to an existing General Order.
  - B. Proposals for a new General Order, or an amendment or revision to an existing General Order, are to be forwarded to the Command Staff through the Chain-of-Command.
    1. Proposals must include as much information as possible to support the proposed new General Order, or proposed amendment or revision to an existing General Order.
6. SUBSTANTIVE AND TECHNICAL CORRECTIONS AND EDITS OF GENERAL ORDERS REQUIRE COLONEL'S SIGNATURE
1. For any edit (technical or substantive) made to a General Order to be effective, the Colonel must approve of such, and sign and date an updated version of the General Order.
    - a. At her or his discretion, the Colonel may approve and sign and date an updated version of a General Order to which only

technical edits (spelling, formatting, or grammatical) have been made, without the promulgation process set forth in section 4, above, having to occur.

## 7. REVIEW OF GENERAL ORDERS

- A. General Orders shall be reviewed as to the need to amend, revise, or rescind them on an "as needed" basis, as required due to updates of model policies on which the orders are based, or when legal authorities (e.g., statutory provisions) cited in the orders need to be updated.

## 8. AUTHORITATIVE LISTING OF MAINE STATE POLICE POLICIES

- A. The Maine State Police policies listed on the Maine State Police General Orders intranet web site are those that officially govern the Maine State Police.
- B. Except as provided in subsection C, below, Maine State Police policies not listed on the Maine State Police General Orders intranet web site are without effect.
- C. This General Order does not:
  - 1. Rescind any standard operating procedure, policy, or administrative directive issued by a Maine State Police sworn or civilian supervisor and applicable **only** to employees that report to that supervisor.
    - a. If, however, any such standard operating procedure, policy, or administrative directive is found or reasonably interpreted to conflict with any General Order, the terms of the General Order take precedence and control;
  - 2. Prohibit any Maine State Police sworn or civilian supervisor from issuing a standard operating procedure, policy, or administrative directive that is applicable **only** to employees that report to that supervisor, so long as the standard operating procedure, policy, or administrative directive does not conflict with any General Order.
    - a. If any such standard operating procedure, policy, or administrative directive is found or reasonably interpreted to conflict with any General Order, the terms of the General Order take precedence and control.

### NOTICE

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY**

**ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE GENERAL ORDER

### E-14

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE DEATH OF A MEMBER, RETIREE, OR OTHER MAINE SWORN LAW ENFORCEMENT OFFICER

**EFFECTIVE DATE:** 11.15.2019

**RECENT HISTORY:** AMENDED (11.15.2019); AMENDED (10.04.2017); REVISED (02.25.2014); TECHNICAL CHANGE (10.04.2011); NEW (10.01.1998)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the procedures the Maine State Police is to follow in the event a current or retired sworn member of the Maine State Police, or other active duty Maine sworn law enforcement officer, dies.

#### II. POLICY

1. The policy of the Maine State Police is:
  - A. To provide assistance and emotional support to the immediate family of a sworn member who dies or is mortally-wounded;
  - B. To provide support to the immediate family of a retired sworn member who has died; and
  - C. To maintain a funeral manual to be utilized as a reference guide in carrying out the requirements of this policy.

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Agency Liaison Officer. "Agency Liaison Officer means the deceased or mortally-wounded sworn member's Commanding Officer, or her or his designee, who shall assume overall responsibilities for coordinating the liaison assistance that the Maine State Police will provide.
  - B. Benefits Coordinator. "Benefits coordinator" means an officer assigned by the Agency Liaison Officer to assist the immediate family of a deceased sworn member by coordinating, preparing, and filing all of the paperwork necessary to provide survivor benefits to the deceased sworn member's immediate family.
  - C. Family Liaison Officer. "Family Liaison Officer" means a sworn member assigned by the Agency Liaison Officer to maintain contact with the immediate family of a mortally-wounded or deceased sworn member and to offer assistance and emotional support to immediate family members.
  - D. Funeral Detail Commander. "Funeral Detail Commander" means a sworn member assigned by the Agency Liaison Officer to coordinate the planning and execution of the funeral for a deceased sworn member and to ensure that the wishes of the immediate family with respect to the funeral are carried out to the fullest extent practicable.
  - E. Immediate Family. "Immediate Family" means:
    1. The spouse, significant other, or finance(e);
    2. All children and step-children;
    3. Parents and step-parents; and
    4. Siblingsof a sworn member who is deceased or mortally wounded.
  - F. Hospital Liaison Officer. "Hospital Liaison Officer" means the highest ranking sworn member present at the hospital where a deceased or mortally-wounded sworn member is.
    1. The Hospital Liaison Officer shall coordinate with hospital staff for the arrival of immediate family members, other kin and friends of the hospitalized sworn member, Maine State Police personnel, and the media.
  - G. Line-of-duty death. "Line-of-duty death" means the death of an active-duty sworn member resulting from apparent or actual criminal conduct or an accident in the course of performing law enforcement-related duties while the sworn member is either on-duty or off-duty.

- H. Non-line-of-duty death. "Non-line-of-duty death" means a death of a sworn member that occurs for reasons unrelated to the performance of law enforcement-related duties by the member.
- I. Retiree. "Retiree" means a former sworn member of the Maine State Police who has retired from the agency.
- J. Sworn member. "Sworn member" means an active-duty, sworn officer of the Maine State Police.

## II. PROCEDURE

### 1. GENERAL

- A. The procedures set forth in this policy are to be followed whenever possible in cases of a line-of-duty death of a sworn member, as well as in cases in which a sworn member has been mortally wounded in the line of duty.
  - 1. To the fullest extent practicable, the wishes of the immediate family of the sworn member must take precedence over the wishes of the Maine State Police.
- B. An individual providing assistance to immediate family members shall take all possible measures to accommodate their needs and wishes, but is not to make promises that the individual is not certain can be fulfilled.

### 2. NOTIFICATION & PUBLIC DISLCOSURE OF INFORMATION

- A. In order to make notification as soon as possible, the senior ranking sworn officer at the scene of a line of duty death shall designate a supervisor to notify immediate family members of the sworn member's medical condition or death.
  - 1. Notification to Command Staff shall be made as quickly as possible, concurrent with notifications that are made through the Chain-of-Command Notification of immediate family members must be made in person whenever possible.
    - a. Whenever appropriate, the sworn member making notification in person should be accompanied by another person such as a clergy member or another sworn member.
    - b. Whenever the health of an immediate family member is a concern, the sworn member making notification may request emergency medical service personnel to stand by.

2. The sworn member making notification shall identify and then notify any immediate family member who is not geographically close by contacting the law enforcement agency of jurisdiction and requesting that the agency make personal notification to the immediate family member.
    3. If a sworn member is making notification that another sworn member has died, the notification must be made in as forthright, empathetic, and compassionate manner as possible.
  - B. The name of the deceased sworn member shall not be released to the media or any other party until all immediate family members are notified.
    1. If the media prematurely obtains the name of a deceased or mortally-wounded sworn member, the ranking sworn member is to respectfully request that the media refrain from reporting the information until all immediate family of the deceased or wounded sworn member have been notified.
  - C. Communication of information concerning a deceased or mortally-wounded sworn member and the incident that resulted in the sworn member's death or injury, shall be by telephone or through in-person communication to the fullest extent practicable.
  - D. When applicable, after notifications to all immediate family members have been made, notification of a line-of-duty death may occur by requesting the Regional Communications Center of jurisdiction to issue a line-of-duty death teletype.

### 3. TRANSPORTATION OF IMMEDIATE FAMILY MEMBERS

- A. If the opportunity to transport an immediate family member (or members) to the hospital exists prior to the sworn member's death, transportation to do so must be provided immediately, and the sworn member providing notification shall inform the Hospital Liaison Officer that the family member or members are in route.

### 4. ASSIGNMENT OF PERSONNEL

- A. The Colonel, or her or his designee, shall assign a sworn member to be the Agency Liaison Officer.
  1. The Agency Liaison Officer then shall assign other sworn members to the following positions:
    - a. Hospital Liaison Officer;
    - b. Family Liaison Officer;

- c. Funeral Detail Commander; and
    - d. Benefits Coordinator.
  2. The Agency Liaison Officer shall anticipate the need for services of the Honor Guard and Incident Management Assistance Team for the ceremonial and logistical efforts associated with the escort of the deceased member and the planning and execution of services.
    - a. These teams should be contacted as soon as possible.
  3. The Agency Liaison Officer also may contact a clergy member when appropriate or requested by the family and request to provide comfort and support to the immediate family of the deceased or mortally-wounded sworn member.
- B. The Colonel, or her or his designee, shall:
  1. Ensure that immediate family members of the deceased or mortally-wounded sworn member are made aware of the sworn members who have been assigned to the above-listed positions;
  2. Make additional personnel assignments to assist in handling incoming inquiries about a sworn member's death or condition, and direct such inquiries to appropriate personnel; and
  3. Ensure that other Maine State Police personnel are provided with the opportunity to participate in critical incident stress debriefings.

## 5. AGENCY LIAISON OFFICER

- A. The Agency Liaison Officer shall be the deceased or mortally-wounded sworn member's Commanding Officer, or that Commanding Officer's designee, and shall act as the liaison between the sworn member's immediate family and the Maine State Police.
- B. The Agency Liaison Officer shall:
  1. Meet with immediate family members and explain her or his responsibilities to them;
  2. When applicable, coordinate the accompaniment and arrival of the body of a deceased sworn member to the Office of the Chief Medical Examiner;
  3. When applicable, be available to immediate family members of a deceased sworn member prior to and throughout the funeral and wake;

4. Ensure that the needs and wishes of the immediate family come before those of the Maine State Police, to the fullest extent practicable;
5. When applicable, assist the immediate family in working with the funeral director regarding funeral arrangements being made for a deceased sworn member;
6. When applicable, identify churches and reception halls that will accommodate a law enforcement funeral for a deceased sworn member, and then report that information to the immediate family so the family may decide where to hold the funeral;
7. Relay to the immediate family any information concerning the circumstances that led to the sworn member's death or injury;
8. Determine the need for travel and lodging arrangements to be made for out-of-town relatives of the mortally-wounded or deceased sworn member;
9. When applicable, identify any other special needs of the family prior to the funeral for a deceased sworn member and report this information to the Funeral Detail Commander;
10. Brief immediate family members about responding to media inquiries and inform them of whether any limitations must be placed on what, if any, information may disclose to the media; and
11. Ensure that security checks of a deceased or mortally-wounded sworn member's residence are immediately initiated and continue for as long as necessary thereafter.

## 6. HOSPITAL LIAISON OFFICER

- A. When possible, the Colonel, or her or his designee, shall join the immediate family of a deceased or mortally-wounded sworn member at the hospital.
- B. The highest ranking sworn member (other than the Colonel) to first arrive at the hospital where a deceased or mortally-wounded sworn member is located shall serve as the Hospital Liaison Officer until one is designated.
- C. The acting or designated Hospital Liaison Officer shall:
  1. Coordinate the arrival of immediate family members, other next of kin and friends of the hospitalized sworn member, Maine State Police personnel, and the media;
  2. Arrange for waiting facilities for immediate family members, other next of kin and friends of the hospitalized sworn member, and Maine State Police personnel;
  3. Arrange for a media staging area;
  4. Ensure that immediate family members are provided with appropriate assistance at the hospital;

5. Ensure that medical personnel provide pertinent medical information on the hospitalized sworn member's condition to the immediate family first before any other parties are informed;
6. Assist immediate family members, in accordance with their wishes, in gaining access to the injured or deceased sworn member;
7. Provide hospital personnel with all necessary information on billing for medical services.
  - a. The liaison should ensure that all medical bills are directed to the appropriate Maine State Police authority, and that the bills are not forwarded to the hospitalized member's immediate family or other next of kin; and
8. Arrange transportation for the immediate family and other next of kin upon their departure from the hospital.

## 7. FAMILY LIAISON OFFICER

### A. The Family Liaison Officer shall:

1. Keep immediate family informed of investigative developments and criminal proceedings related to the incident that resulted in the sworn member's death or injury;
2. When applicable, accompany immediate family to criminal proceedings, explain the nature of the proceedings, and introduce them to prosecutors and other district attorney's office personnel;
3. Identify support services available to immediate family members and work on their behalf to secure any such services, if necessary;
4. Maintain routine contact with the immediate family to provide companionship and emotional support, as well as to maintain an ongoing relationship between the Maine State Police and the immediate family;
5. Relay concerns and needs of immediate family to those individuals or organizations that might be able to provide assistance in response; and
6. Maintain a list of advocates willing to assist the immediate family and help to coordinate the provision of such assistance when requested.

## 8. FUNERAL DETAIL COMMANDER

- A. The Funeral Detail Commander shall work with the Agency Liaison Officer to ensure that the needs and requests of the immediate family of a deceased sworn member are fulfilled to the fullest extent practicable, including, but not limited to:
  - 1. Planning and conducting the law enforcement funeral in accordance with the Maine State Police *Funeral Manual*;
  - 2. Coordinating all official law enforcement notifications;
  - 3. Serving as the liaison with all visiting law enforcement agencies; and
  - 4. Serving as the liaison with the media.
- B. The Funeral Detail Commander also shall ensure that Maine State Police personnel are made aware of any restrictions regarding the disclosure of any information that might affect future judicial or administrative proceedings.

#### 9. BENEFITS COORDINATOR

- A. The Benefits Coordinator shall:
  - 1. File worker's compensation claims and related paperwork on behalf of the immediate family of a mortally-wounded or deceased sworn member;
  - 2. Present immediate family members with information about benefits available to them;
  - 3. Document inquiries or interest expressed about donations to the immediate family, and coordinate an appropriate means for such donations to be received;
  - 4. As applicable, prepare all documentation of benefits and payments due to immediate family members, including, but not limited to, the type and amount of benefits to be received by each beneficiary, the schedule of the payments of the benefits, and the name of a contact person or facilitator at each office from where a payment or benefit will be provided.

#### 10. RECORDS

- A. A copy of all files and records generated as the result of the death of a sworn member shall be retained at the Maine State Police Troop or Unit to which the deceased sworn member was assigned.

#### 11. MOURNING BANDS AND OTHER SUCH SYMBOLS OF MOURNING

- A. The following information shall be used as a guide to the proper etiquette regarding the wearing of black bands to signal mourning.

1. If a sworn member dies, black bands shall be worn over all exposed Maine State Police badges for a period of thirty (30) days, or as otherwise directed by the Colonel, or her or his designee.
  2. If a retiree or other Maine law enforcement officer dies, black bands shall be worn over all exposed Maine State Police badges until after the funeral for the retiree or officer has occurred, or as otherwise directed by the Colonel, or her or his designee.
- B. The Colonel may designate any item as a reminder of a deceased sworn member and authorize the wearing or display of such reminders.

#### **NOTICE**

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# MAINE STATE POLICE GENERAL ORDER

## E-15

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING SPEED-MEASURING DEVICES

**EFFECTIVE DATE:** 10.31.2018

**RECENT HISTORY:** AMENDED (10.31.2018); TECHNICAL AMENDMENT (CORRECTED NUMBERING OF PT. IV, SEC. 1(A))(05.09.2014); REVISED (04.16.2014); CONVERTED TO WEB FORMAT ON 06.24.2009 (FORMERLY POLICY #9); POLICY #9 DATED 05.18.1988 WAS AMENDED ON 04.14.1992; POLICY #9 DATED 05.18.1988 REPLACED POLICY #9 DATED 10.04.1985

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is:
  - A. To establish the policy of the Maine State Police regarding the deployment and use of speed-measuring devices; and
  - B. To provide guidance on the enforcement of the motor vehicle speeding laws of the State of Maine.

### II. POLICY

1. The policy of the Maine State Police is to deploy and use speed-measuring devices in a uniform and consistent manner, and to ensure that such devices are duly maintained and, when necessary, repaired.

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - B. Speed-measuring device. "Speed-measuring device" means a device used to measure the speed of a motor vehicle, including, but not limited to, a radar device, lidar device, and chronometer (either mechanical or electronic) mobile time/distance device.

### **IV. PROCEDURE**

#### **1. GENERAL**

- A. The assignment of speed-measuring devices shall be at the discretion of Troop Commanders.
  1. Officers are to be assigned only speed-measuring devices that they have been trained and certified to operate.
  2. Officers should not use a speed-measuring device near speed zone changes.
  3. The Maine State Police shall not conduct speed details within any municipality that has an organized, full-time police department unless:
    - a. Officials of the municipality first have asked the Maine State Police to conduct such details; and
    - b. The Commander of the Troop of jurisdiction first has authorized such details to occur.
  4. Before and after each shift, electronic speed-measuring devices are to be checked for proper calibration in the manner prescribed by the manufacturers of the devices.

- a. Tuning forks used for radar calibration verification must be checked for accuracy by the person or agency assigned that responsibility by the Colonel, at intervals determined by that person or agency.

## 2. RADAR/LIDAR

- A. Radar/lidar only shall be operated by officers who have met the training standards established by the Maine Criminal Justice Academy to operate such devices.
- B. The radar/lidar audio always must be used to assist the radar/lidar operator in identifying a vehicle and in establishing a "tracking history" of the vehicle.
- C. Radar/lidar operators shall make a visual estimate of speed prior to checking a vehicle with radar/lidar.
- D. Prior to taking enforcement action (i.e., prior to issuing a warning or summons), an officer should consider such factors as the traffic flow, the time of day, the road type and condition, and the weather conditions.
  1. Officers always should use discretion and sound judgment in deciding what, if any, enforcement action to take.
- E. If an officer takes enforcement action and the violator asks to view the radar/lidar reading, then the officer, at the officer's discretion, may allow the violator to do so.
  1. The officer should base this decision on various factors, including, but not limited to, how safe the circumstances at roadside are for such a viewing to occur, the road type and condition, the traffic flow, and the weather conditions.
- F. No enforcement action is to be taken by an officer if:
  1. There is any question of whether the correct vehicle was identified as having committed a speeding infraction; or
  2. There is any question of whether the correct speed was measured by the radar/lidar.

G. Radar/lidar only should be used as a tool to aid an officer in enforcing motor vehicle speeding laws.

H. Any radar/lidar device that malfunctions in any manner, or fails to meet calibration checks, immediately must be removed from service and repaired.

1. All maintenance and repair of speed-measuring devices must be conducted by the person or agency assigned that responsibility by the Colonel.

2. When a device is determined by an officer to need repair, the officer shall notify the officer's Troop Commander, or the Commander's designee.

3. When a malfunctioning device is received by the person or agency assigned to maintain and repair such devices, that person or agency is to appropriately document the name of the officer delivering the device, as well as any other information relevant to the maintenance and repair of the device.

a. When a device is returned to an officer to whom the device is assigned, the person or agency assigned to maintain and repair such devices shall appropriately document that the device was returned to the officer.

4. All radar/lidar devices must carry a Troop identification number.

I. All parts of issued radar/lidar devices (e.g., heads, antenna, mounting brackets, etc.) must be noted with the Troop letter and set number for identification purposes.

1. Example: A-5 = Troop A, set 5.

3. CHRONOMETER AND OTHER TIME/DISTANCE SPEED-MEASURING DEVICES

A. Chronometers and other such time/distance speed-measuring devices are used to determine the average speed of a moving vehicle between two spatial points.

B. To make such a determination, two factors must be known:

1. The distance between two given spatial points; and
2. The time required to travel the distance between those two points at a speed that, at most, is at the posted speed limit.
  - a. The distance between two given spatial points must be accurately measured and known.
  - b. Officers must accurately monitor the time a given vehicle travels between the two spatial points being used to measure speed.

**No enforcement action shall be taken if there is any question about the accuracy of either the distance or time factors.**

- C. Prior to taking any enforcement action (i.e., the issuance of a warning or summons), an officer should consider such factors as the traffic flow, the time of day, the road type and condition, and the weather conditions.
  1. Officers always should use discretion and sound judgment in deciding what, if any, enforcement action to take.
- D. Whenever possible, visual speed estimates and "tracking history" should be established prior to taking a measurement of speed with a time/distance speed-measuring device.
- E. The calibration of time/distance speed-measuring devices must be checked in accordance with manufacturer specifications, whenever applicable.
- F. Chronometers must be checked for accuracy on a yearly basis.
  1. Chronometers' accuracy must be checked by certified technicians.
- G. When any time/distance speed-measuring device shows signs of malfunction, or an officer believes a problem exists with the device, the device immediately must be removed from service and repaired.

**NOTICE**

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**EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING SPECIAL ASSIGNMENT TO THE MAINE DRUG ENFORCEMENT AGENCY (MDEA) |  
**NUMBER:** E-16

**EFFECTIVE DATE:** 08.25.2017 | **RECENT HISTORY:** REVISED (08.25.2017);  
CONVERTED TO WEB FORMAT ON 01.19.2009; 05.28.1996

**DISTRIBUTION CODE:** 2

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police governing special assignment of Maine State Police sworn officers to the Maine Drug Enforcement Agency ("MDEA").

### II. POLICY

1. The policy of the Maine State Police is to specially assign sworn officers to the MDEA based on the needs of the Maine State Police and the MDEA, as well as the qualifications of those sworn officers who request such assignment.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief of the Maine State Police, or his or her designee.
  - B. MDEA. "MDEA" means Maine Drug Enforcement Agency.

### IV. PROCEDURE

1. GENERAL
  - A. Being specially assigned to the MDEA affords sworn officers with an opportunity for individual and professional growth, as well as improved job satisfaction and importance.
    1. As officers specially assigned to the MDEA acquire additional skills, knowledge, and abilities, they and the organization of the Maine State Police mutually benefit.
2. REQUESTS FOR SPECIAL ASSIGNMENT TO THE MDEA

- A. An officer having at least three (3) years of experience as a Trooper and who is interested in being specially assigned to the MDEA may submit a written request for such assignment through his or her Chain-of-Command, to the Colonel.
  1. The request for special assignment must include:
    - a. A brief narrative discussing the officer's career with the Maine State Police;
    - b. A list of the skills, knowledge, and abilities the officer has that are related or relevant to drug enforcement;
    - c. A brief explanation of the reason or reasons why the officer wants to be specially assigned to the MDEA; and
    - d. A description of the general geographic location or locations where the requesting officer would want to work if specially assigned to the MDEA.
3. LENGTH OF SPECIAL ASSIGNMENT TO THE MDEA
  - A. A sworn officer may be specially assigned to the MDEA for up to three (3) years.
    1. A sworn officer who was specially-assigned to the MDEA may request re-assignment to that agency.
4. SELECTION OF OFFICERS FOR SPECIAL ASSIGNMENT TO THE MDEA
  - A. The Colonel shall review all requests for special assignment to the MDEA when assigning or reassigning personnel to the MDEA, taking into consideration the performance evaluations and the Commander Officer recommendations of each officer who has requested or re-requested special assignment to the MDEA .
  - B. The Colonel may meet with the Director of the MDEA, or his or her designee, to review and discuss requests for special assignment to the MDEA.
  - C. The Colonel may require that an officer who has requested special assignment to the MDEA to participate in an oral interview as part of the process of determining whether he or she will be specially assigned to the MDEA.
  - D. The decision of whether an officer requesting special assignment to the MDEA is so assigned or not shall be the Colonel's.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE ISSUANCE OF IDENTIFICATION CARDS | **NUMBER:** E-20

**EFFECTIVE DATE:** 08.30.2017 | **RECENT HISTORY:** REVISED (08.30.2017); CONVERTED TO WEB FORMAT ON 02.04.2009; FORMERLY POLICY NO. 27; 05.01.1975

**DISTRIBUTION:** 2

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy governing the issuance of Maine State Police identification cards to sworn personnel.

### II. POLICY

1. The policy of the Maine State Police is to issue identification cards to sworn Maine State Police personnel.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Card log. "Card log" means the record (such as a spreadsheet) contemplated in section 3, subsection B of this policy.
  - B. Maine State Police Command Staff. "Maine State Police Command Staff" means the Colonel, the Lieutenant Colonel, the Operations Major, and the Special Services Major.

### IV. PROCEDURE

1. AUTHORITY FOR THE ISSUANCE OF MAINE STATE POLICE IDENTIFICATION CARDS
  - A. A Maine State Police identification card shall be issued to a Maine State Police sworn officer if the prior authorization of a member of the Maine State Police Command Staff is given to do so.
    1. Such prior authorization may be given in person, by telephone, or in writing (including via email).

## 2. CONTENTS OF IDENTIFICATION CARDS

A. Identification cards must include the following information, at a minimum:

1. The officer's name;
2. The officer's rank;
3. A basic physical description of the officer;
4. A photograph of the officer;
5. The multi-digit number assigned to the officer at time of hire;
6. The signature of the officer; and
7. The signature of the Colonel.

## 3. ISSUANCE AND CONTROL OF IDENTIFICATION CARDS

A. Maine State Police identification cards shall be issued by the Maine State Police Special Investigations Unit.

B. The Special Investigations Unit shall maintain a card log that accounts for all of the identification cards the unit issues, which must track, for each card issued:

1. The name of the officer to whom the card was issued;
2. The date the card was issued;
3. The name of the person authorizing the card's issuance; and
4. The date the card was returned to the unit.

## 4. UPDATES OF INFORMATION ON IDENTIFICATION CARDS

A. When information on an identification card has materially changed (for example, there is a change of name or rank of the card holder), the holder of the card shall promptly ensure that the card is updated by the Special Investigations Unit to reflect the change.

1. The issuance of an updated card in such circumstances does not require prior authorization by a member of the Maine State Police Command Staff.

## 5. LOSS OR DESTRUCTION OF IDENTIFICATION CARDS

A. If an identification card becomes lost or is destroyed, the person to whom the card was issued shall promptly contact the Special Investigations Unit to inform the unit of the loss or destruction of the card, as well as to arrange for the issuance of a new card.

1. The replacement of a card in such circumstances does not require prior authorization by a member of the Maine State Police Command Staff.

B. The unit shall note in the card log the circumstances leading to the replacement of a card that was lost or destroyed.

## 6. RETURN OF IDENTIFICATION CARD UPON RETIREMENT

A. A sworn officer retiring from the Maine State Police who holds an identification card shall return the card to the Special Investigations Unit, which shall record the return of the card in the card log.

1. At the sole discretion of the Colonel, a person retiring from the Maine State Police may be issued a retired officer identification card, the issuance of which shall be recorded by the Special Investigations Unit

in the card log.

7. RETURN OF IDENTIFICATION CARD UPON RESIGNATION OR TERMINATION OF EMPLOYMENT

- A. A sworn officer holding an identification card who resigns from the Maine State Police, or whose employment with the agency is terminated, shall promptly turn in the card to the officer's Commanding Officer, or the Commanding Officer's designee.
1. The Commanding Officer, or his or her designee, shall promptly report his or her receipt of the identification card to the Special Investigations Unit, which shall record the return of the card in the card log.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE MAINE STATE POLICE BENEVOLENT FUND | **NUMBER:** E-21

**EFFECTIVE DATE:** 02.26.2015 | **RECENT HISTORY:** AMENDED (02.26.2015); CONVERTED TO WEB FORMAT ON 02.04.2009; FORMERLY G.O. 17F

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Benevolent Fund.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To maintain a benevolent fund for the collection and expenditure of the funds for purposes set forth in this policy;
  - B. To comply with the Maine statute that regulates solicitation by law enforcement officers and agencies. See [25 MRSA c. 403, "Solicitation by law enforcement officers."](#)

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

### IV. PROCEDURE

1. SOURCES OF FUNDING
  - A. The primary sources of funding for the Benevolent Fund are:
    1. Unsolicited voluntary contributions and donations to the fund, which may be accepted in accordance with [2 MRSA sec. 5, "Acceptance of gifts"](#); and
    2. Income from the sale of Maine State Police collectibles and merchandise purchased using Benevolent Fund funds.
2. PERMISSIBLE FUND EXPENDITURES
  - A. The monies in the Benevolent Fund may be expended on the following:
    1. Acquisition and maintenance of artifacts and memorabilia for the Maine State Police Museum;
    2. Funding of awards not otherwise funded by the State of Maine, for Maine State Police awards presentations;
    3. Purchase of Maine State Police collectibles and merchandise for resale.
      - a. Sale of such collectibles and merchandise must be conducted in

accordance with the Maine statute that regulates solicitation by law enforcement officers and agencies. See [25 MRSA c. 403, "Solicitation by law enforcement officers"](#); and

4. Publication of the Maine State Police Yearbook.

1. MANAGEMENT OF THE BENEVOLENT FUND

- A. The management of the Benevolent Fund is the responsibility of the Department of Public Safety Public Information Officer (PIO) or, in the absence of the PIO, the Lt. Colonel.
- B. The PIO shall establish an interest-bearing checking account for the Benevolent Fund at a financial institution in the greater Augusta area.
- C. The PIO is authorized to encumber the Benevolent Fund and write checks on the account in an amount not exceeding four hundred dollars (\$400.00) without the prior approval of the Colonel.
- D. The PIO shall provide the Colonel with an annual accounting of the Benevolent Fund at the end of each fiscal year, or when requested. The annual accounting report must include the following information, at a minimum:
  - 1. The balance at the start of the reporting period (i.e., at the start of the fiscal year that is the subject of the report);
  - 2. Credits/deposits to the account during the reporting period;
  - 3. Debits/withdrawals from the account during the reporting period;
  - 4. The balance on hand at the end of the reporting period (i.e., at the end of the fiscal year that is the subject of the report).
- E. The Colonel may ask that an independent audit of the Benevolent Fund be performed at any time.

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# MAINE STATE POLICE GENERAL ORDER

## E-23

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING OFF-DUTY EMPLOYMENT

**EFFECTIVE DATE:** 08.28.2019

**RECENT HISTORY:** AMENDED (08.28.2019); TECHNICAL AMENDMENT (05.07.2014); REVISED (03.03.2014); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY 11 (07.01.1997)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding off-duty employment.

### II. POLICY

1. The policy of the Maine State Police is to permit members of the agency to pursue and secure off-duty employment opportunities, subject to the conditions set forth in this General Order.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - B. Employment. "Employment" means the provision of a service in exchange for money or other compensation of financial value.

1. "Employment" does not mean charitable or volunteer work or military service.
- C. Member. "Member" means a sworn or civilian employee of the Maine State Police.
- D. Off-duty. "Off-duty" means time during which a member does not have an obligation to perform Maine State Police-related duties and responsibilities.
  1. Off-duty time includes, as examples, days off, vacation leave, compensated time off, off-shift time (outside the scheduled 12-hour on-call time), and other approved leave.

#### IV. PROCEDURE

##### 1. REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT GENERALLY

- A. A member shall not engage in any type of off-duty employment without first being granted the approval to do so, as set forth in this policy.
- B. A request for approval of off-duty employment shall be either granted or denied by the Colonel.
- C. A member's request for approval of off-duty employment must not be granted if:
  1. The off-duty employment opportunity would bring discredit to the Maine State Police;
  2. Would create or appear to create a conflict of interest; or
  3. In the case of a sworn member, performance of the off-duty employment would require the member's use, or potential use, of her or his law enforcement powers.
- D. A member whose request for approval of off-duty employment has been granted shall not use a State-owned vehicle or State-owned equipment to perform off-duty employment, in connection with off-duty employment, or for going to or from off-duty employment.
- E. A member whose request for approval of off-duty employment has been granted shall give priority to performance of Maine State Police duties and responsibilities (for example, extended shifts, emergency call outs, scheduled work times) over any duties and responsibilities the member has that relate to her or his off-duty employment.

##### 2. REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT

- A. A member wanting to request approval of off-duty employment shall submit a memorandum requesting such through her or his Chain-of-Command to the Colonel.
  1. The memorandum must include the following information:

- a. The requesting member's name;
- b. The Troop or Unit to which the member is assigned;
- c. A listing of each specialty team to which the member is assigned;
- d. A reasonable description of the off-duty employment work that the member would be performing;
- e. The name and address of the person or business for which the member would be working while off-duty.

(1) If the off-duty employment is self-employment, the member shall indicate such;

- f. A description of the anticipated off-duty employment schedule the member would have; and
  - g. An adequate explanation of how the off-duty employment schedule would be able to performed without interfering with the member's Maine State Police duties and responsibilities and work schedule.
2. A recommendation from the member's immediate supervisor must accompany the memorandum when the memorandum is submitted through the Chain-of-Command.
  3. The member also must complete and submit with the memorandum the "Certification" form attached to and incorporated by reference into this policy.

### 3. REVIEW OF REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT

- A. The Colonel shall review and then either grant or deny a request for approval of off-duty employment on a case-by-case basis.
- B. In determining whether a request should be granted or denied, the Colonel may consider any factors he or she deems relevant, including, as examples, the following:
  1. Past work performance evaluations of the requesting member;
  2. Past work attendance of the requesting member;
  3. The recommendation of the requesting member's immediate supervisor.

### 4. RESCINDMENT OF GRANTED REQUESTS FOR APPROVAL OF OFF-DUTY EMPLOYMENT

- A. The Colonel may rescind her or his granting of a member's off-duty employment request at any time the Colonel determines that doing so is in the best interest of the Maine State Police and the agency's mission.

**NOTICE**

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MAINE STATE POLICE GENERAL ORDER E-23,  
MAINE STATE POLICE POLICY REGARDING OFF-DUTY EMPLOYMENT

CERTIFICATION

I, (*printed name*) \_\_\_\_\_, hereby certify –

1. That I **have been provided with** a copy of or access to Maine State Police General Order E-23, *MAINE STATE POLICE POLICY REGARDING OFF-DUTY EMPLOYMENT* (hereinafter “MSP GO E-23”);
2. That I have fully **read** MSP GO E-23;
3. That I fully **understand** MSP GO E-23; and
4. That I **agree to abide by** all of the provisions of MSP GO E-23.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



## MAINE STATE POLICE GENERAL ORDER

### E-24

**SUBJECT:** MAINE STATE POLICE CODE OF CONDUCT POLICY

**EFFECTIVE DATE:** 09.03.2019

**RECENT HISTORY:** AMENDED (09.03.2019); TECHNICAL AMENDMENT (05.07.2014); AMENDED (04.12.2013); REVISES MSP GO E-24 (05.05.2010); CONVERTED TO WEB FORMAT ON 02.04.2009; FORMERLY G.O. 26A (EFFECTIVE DATE 01.03.1994)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Code of Conduct policy.

#### II. POLICY

1. The policy of the Maine State Police is to:
  - A. Adopt the *International Association of Chiefs of Police Code of Conduct* as the code of conduct that is to be followed by Maine State Police officers;
  - B. Establish through this policy specific requirements and prohibitions with respect to the conduct of Maine State Police officers; and
  - C. To enforce violations of the *International Association of Chiefs of Police Code of Conduct* and the provisions of this policy.

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Code of Conduct. "Code of Conduct" means the *International Association of Chiefs of Police Code of Conduct*. Colonel.

- B. "Colonel" means the Chief of the Maine State Police, or her or his authorized designee.
- C. Social media platform. "Social media platform" means a website through which individuals and organizations may develop uniquely-identifiable profiles and communicate and network with other individuals and organizations who visit or themselves also use the website.
  - 1. Examples of such websites are Facebook, Snapchat, Twitter, and Instagram.

#### IV. PROCEDURE

- 1. At all times, each officer of the Maine State Police shall follow the *International Association of Chiefs of Police Code of Conduct* (copied below).
- 2. In addition, at all times, an officer **shall**:
  - A. Both on and off duty, behave in a manner that does not discredit or impugn the integrity of the Maine State Police;
  - B. Be civil, orderly, and ethical in conduct, character, and habit;
  - C. Be attentive, control personal emotions, and exercise the utmost patience and discretion;
  - D. Fulfill all financial obligations;
  - E. Presume the official business of the Maine State Police to be confidential;
  - F. Act with dignity and maintain a military bearing;
  - G. Perform assigned duties in a diligent, professional manner;
  - H. Follow State and Federal statutes and regulations, as well as Maine State Police policies;
  - I. Follow orders and instructions from superior officers, unless any such order or instruction is believed in good faith by an officer to be unreasonable or unlawful, in which case the officer may appeal the order or instruction to the Colonel in writing;
    - 1. Disobedience or disregard of a lawful order or instruction from a superior officer constitutes grounds for disciplinary action;
  - J. Respond to calls for police service or assistance from citizens or as assigned by emergency communications operators;
  - K. When in uniform, salute the flag of the United States of America as it passes in public parades, ceremonies, or other occasions, when the flag approaches within six (6) paces of the officer, and hold such salute until the flag has passed;
    - 1. An officer assigned to VIP security does not need to abide by this requirement "K";
  - L. When the National Anthem is played at any place where the officer is present, come to the position of attention and face the flag of the United States of America;

1. If in uniform, the officer shall salute at the first note of the anthem and retain the salute until the last note;
  2. An officer assigned to VIP security does not need to abide by this requirement "L";
- M. Be generally knowledgeable of all laws enforced by the Maine State Police; and
- N. When using personal social media platforms, and the Internet in general, ensure that he or she is aware that:
1. Her or his online posts and comments become part of the worldwide electronic domain for an indeterminate length of time;
  2. Any information created, transmitted, downloaded, exchanged, or discussed in a publicly-accessible online forum – including, but not limited to, on a publicly-accessible personal social media platform – may be accessed by the Maine State Police at any time without prior notice;
  3. Use of personal social media platforms could compromise an employee's ability to be assigned future undercover or covert assignments of the agency.
3. In addition, an officer **shall not**, at any time:
- A. Permit the use of a personal photograph of the officer in uniform, or that otherwise identifies the officer as a member of the Maine State Police, in connection with any testimonial or advertisement, unless previously approved by the Colonel;
  - B. Authorize the use of the officer's title, identification, or position with the Maine State Police in connection with any testimonial or advertisement, unless previously approved by the Colonel;
  - C. Solicit subscriptions or collect donations for any purpose, except as permitted by applicable law, and unless previously approved by the Colonel;
  - D. Voluntarily offer to be a witness in any civil case.
    1. An officer, however, shall comply with a lawful, authorized subpoena that commands the officer's appearance as a witness in an adjudicatory proceeding;
  - E. Provide bond or furnish bail for any person unrelated to the officer;
  - F. Sign any petition on behalf of the Maine State Police, unless previously approved by the Colonel;
  - G. Make any statement publicly, written or spoken, critical of the Maine State Police, or any personnel thereof, if such statement is defamatory or unlawful;
  - H. Bring any intoxicating liquor or drugs into any building officially occupied by the Maine State Police, except:
    1. On order of a physician for medical purposes;
    2. As evidence in an investigation; or

3. When authorized by the Colonel or a Troop or Unit Commanding Officer;
  - I. Consume alcoholic beverages while on duty, except if doing so is required in the performance of the officer's law enforcement duties;
  - J. Consume alcohol while in uniform;
  - K. Operate a state-owned vehicle after consuming alcohol;
  - L. Report to duty while under the influence of or impaired by drugs or alcohol;
  - M. Consume any drug, narcotic, or other like substance, except as permitted by law or authorized by a licensed physician;
  - N. Feign illness or otherwise abuse sick leave;
  - O. Be absent from work without authorization.
    1. Absence for three consecutive days without authorization shall be deemed a voluntary resignation, unless such absence is excusable pursuant to applicable State law and personnel policies;
  - P. Knowingly associate or have any dealings with persons engaged in unlawful activities;
  - Q. Frequent or operate places of questionable character, either while on or off duty, except if doing so if required in the performance of the officer's law enforcement duties;
  - R. Sleep on duty, unless approved by the officer's Commanding Officer;
  - S. Use any tobacco product in violation of any state law, regulation, rule, or policy.
    1. Additionally, officers shall not use tobacco products when they are in a situation in which they are likely to be observed by a member of the public, or when interacting with a member of the public; or
  - T. When using personal social media platforms –
    1. Without the prior, written authorization of the Colonel, post or otherwise disclose any privileged or legally-protected information learned or obtained in the course of their duties, including, but not limited to, any text, photograph, audio, video, or any other multimedia file related to any investigation, either current or past, of any law enforcement agency;
    2. Without the prior, written authorization of the Colonel, post or otherwise disclose any text, photograph, audio, video, or any other multimedia file related to either current or past action of the Maine State Police, and that is critical of the agency or any personnel thereof;
    3. Without the prior, written authorization of the Colonel, post or otherwise disclose any picture or description of any nonpublic work areas or facilities of the Maine State Police that would jeopardize the safety or security of such areas or facilities;
    4. Without the prior, written authorization of the Colonel, post or otherwise disclose any information that is legally protected intelligence information, investigative information, or security information, or that is otherwise confidential as a matter of law;

5. Post any comment, discussion, text, photograph, audio, video, or any other multimedia or digital technology media file on a personal social media platform that implies, states, opines, or otherwise expresses their personal views that likely would:
  - a. Be detrimental to the mission of the Maine State Police;
  - b. Undermine the public's trust or confidence in the Maine State Police;
  - c. Bring embarrassment, disgrace, or doubt as to their credibility as impartial members of the Maine State Police;
  - d. Impair working relationships of the Maine State Police;
  - e. Impede the performance of their duties;
  - f. Impair discipline or harmony among coworkers;
  - g. Negatively affect the public perception of the Maine State Police;
  - h. Negatively reflect upon the mission, reputation, or professionalism of the Maine State Police;
6. Use personal social media platforms to conduct Maine State Police business;
7. Make any statements, speeches, appearances, endorsements, or publish materials that could reasonably be interpreted as representing the interest, views, or official positions of the Maine State Police.

### **International Association of Chiefs of Police Code of Conduct**

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

#### **PRIMARY RESPONSIBILITIES OF A POLICE OFFICER**

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.

#### **PERFORMANCE OF THE DUTIES OF A POLICE OFFICER**

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves

in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

#### DISCRETION

A police officer will use responsibly the discretion vested in his position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

#### USE OF FORCE

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

#### CONFIDENTIALITY

Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

#### INTEGRITY

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

#### COOPERATION WITH OTHER POLICE OFFICERS AND AGENCIES

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

#### PERSONAL-PROFESSIONAL CAPABILITIES

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

#### PRIVATE LIFE

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

#### **NOTICE**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING GIFTS, GRATUITIES, AND BENEFITS |  
**NUMBER:** E-25

**EFFECTIVE DATE:** 10.31.2011 | **RECENT HISTORY:** TECHNICAL AMENDMENT (05.19.2015);  
TECHNICAL AMENDMENT (05.07.2014); AMENDED (10.31.2011); RESCINDS G.O. 26B  
(12.18.2007)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to amend the policy of the Maine State Police regarding the solicitation or acceptance by Maine State Police employees of gifts, gratuities, and benefits.

### II. POLICY

1. The policy of the Maine State Police is that, except for the compensation and benefits an employee receives from the State of Maine, a Maine State Police employee -
  - A. **Shall not** accept or solicit any gift or gratuity -
    1. From any person;
    2. To compensate that employee or any other person;
    3. For performing, or refraining from performing, any official duty or responsibility; or
    4. In order to benefit, directly or indirectly, any specific person;
  - B. **Shall not** accept or solicit any benefit because of the employee's status of employment with the Maine State Police;
  - C. **Shall not** violate the following laws:
    1. [Title 17-A - §602. Bribery in official and political matters](#)
    2. [Title 17-A - §604. Improper compensation for past action](#)
    3. [Title 17-A - §605. Improper gifts to public servants](#)
    4. [Title 17-A - §608. Official oppression](#)

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Benefit. "Benefit" means any advantage or improvement in condition, including, but not limited to, any financial advantage or improvement in financial condition.
  - B. Gift. "Gift" means anything of value -- including, but not limited to, forgiveness of an

obligation or debt, or free services -- given to a person without that person providing in exchange any thing of equal or greater value to the giver.

- C. Gratuity. "Gratuity" means anything of value given beyond or in addition to an obligation of value that is appropriately and lawfully due.

#### IV. PROCEDURE

##### 1. RESPONDING TO AN ALLEGATION THAT AN EMPLOYEE HAS VIOLATED THIS POLICY

- A. An allegation that an employee has violated this policy shall be referred through the Chain-of-Command to the Office of Professional Standards for appropriate review and investigation.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING MAINE STATE POLICE EMPLOYEES' PARTICIPATION IN POLITICAL MATTERS | **NUMBER:** E-26

**EFFECTIVE DATE:** 04.13.2017 | **RECENT HISTORY:** AMENDED (04.13.2017); AMENDED (05.19.2015); REVISES MSP GO E-26 (05.25.2010); RESCINDS G.O. 26C (06.01.2002)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding Maine State Police employees' participation in political matters.

### II. POLICY

1. The policy of the Maine State Police is to ensure that Maine State Police employees may fully and freely participate in political matters, in accordance with, and to the extent permitted by, applicable law.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Colonel of the Maine State Police, or his or her designee.
  - B. Legislative committee. "Legislative committee" means a joint standing committee of the Legislature, a joint select committee of the Legislature, a task force, commission or council or any other committee established by the Legislature and composed wholly or partly of Legislators for the purpose of conducting legislative business.
  - C. Legislative inquiry. "Legislative inquiry" means any request made by a legislative committee or individual Legislator to a state employee for public information or the state employee's personal opinion.
  - D. Maine State Police employee. "Maine State Police employee" means a sworn or civilian employee of the Maine Department of Public Safety, Maine State Police.
  - E. Own time. "Own time" means an employee's personal time or authorized leave time, earned as a condition of employment.
  - F. Political activity. "Political activity" means to advocate expressly for the election or defeat of any candidate for a federal office, a constitutional office or any candidate for partisan elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives or to solicit contributions reportable under [21-A MRSA c. 13, Campaign reports and finances](#).
  - G. Supervisor. "Supervisor" means the Commissioner, the Colonel, or any other person who oversees or supervises Maine State Police employees in their employment.
  - H. Use of official authority or influence. "Use of official authority or influence" means,

but is not limited to, the following types of actions: promising to confer or conferring a benefit such as compensation, a grant, contract, license, or ruling; effecting or threatening to effect a reprisal, such as deprivation of compensation, a grant, contract, license or ruling; or taking, directing others to take, recommending, processing, or approving any personnel action.

#### IV. PROCEDURE

##### 1. GENERALLY

A. Maine State Police employees shall be generally familiar with the following provisions of law:

1. [5 MRSA sec. 7056-A, Political activity](#);
2. [5 MRSA c. 2, Testimony provided by State employees to Legislative committee](#).

##### 2. USE OF OFFICIAL AUTHORITY IN POLITICAL MATTERS

A. A Maine State Police employee may not use his or her official authority, influence, or supervisory position for the purpose of:

1. Interfering with or affecting the result of a partisan election or nomination for elective office; or
2. Attempting to intimidate, threaten, coerce, command, or influence a person to give or withhold a political contribution, or to engage or not to engage in any form of political activity.

##### 3. POLITICAL CONTRIBUTIONS

A. A Maine State Police employee may not:

1. Give or offer to give a political contribution to an individual to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election;
2. Solicit, accept, or receive a political contribution to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election;
3. Knowingly give or hand over a political contribution to a superior of the employee;
4. Knowingly solicit, accept, or receive, or be in any manner concerned with soliciting, accepting, or receiving, a political contribution from any other State of Maine employee or a member of any other State of Maine employee's immediate family who is a subordinate of the Maine State Police employee; or
5. Knowingly solicit, accept, or receive a political contribution from or give a political contribution to any person who:
  - a. Has or is seeking to obtain contractual or other business or financial relations with the Maine Department of Public Safety or Maine State Police;
  - b. Conducts operations or activities that are regulated by the Maine Department of Public Safety or Maine State Police; or
  - c. Has interests that may be substantially affected by the performance or nonperformance of the Maine State Police employee's official duties.

##### 4. POLITICAL ACTIVITY

A. A Maine State Police employee may not engage in political activity:

1. When he or she is on duty;
2. In state-owned or leased work space occupied in the discharge of official duties or by using the facilities (e.g., buildings or offices) or services (e.g., OIT services, computers, telephones) of the State;
3. When wearing a uniform or official insignia identifying the office or position of the employee; or
4. While using a vehicle owned or leased by the State or any of its agencies.

## 5. CANDIDACY FOR ELECTIVE OFFICE

A. A Maine State Police employee may not be a candidate for elective office in a partisan public election other than for a local office.

1. This provision is not to be construed as prohibiting a Maine State Police employee from being a candidate in an election if none of the candidates is nominated or elected at that election as representing a party whose candidates for presidential elector received votes in the last preceding election during which presidential electors were selected.

a. Maine State Police sworn officers continue to be subject to Maine State Police rules regarding procedures on candidacy.

## 6. VOTING RIGHTS AND FREE EXPRESSION

A. Each Maine State Police employee retains the right to vote as he or she chooses and to express opinions on political subjects and candidates.

## 7. RIGHTS OF PARTICIPATION IN POLITICAL ORGANIZATIONS AND ACTIVITIES

A. A Maine State Police employee may:

1. Campaign for and hold an elective office in political clubs and organizations;
2. Contribute money to political organizations or attend political fundraising functions;
3. Donate personal time and service to a political cause;
4. Be a candidate for public office in a nonpartisan election; and
5. Participate in any other activity not specifically prohibited by State or Federal law.

## 8. CONSTRUCTION OF THE FOREGOING PROVISIONS

A. The foregoing provisions of this order are not to be construed to apply to any actions taken by a Maine State Police employee in order to carry out the duties and responsibilities of the employee's position, including, but not limited to, advocacy on policy issues or legislation.

## 9. TESTIFYING BEFORE THE LEGISLATURE

A. In accordance with, and to the extent permitted by, applicable law (*see generally* [5 MRSA c. 2, Testimony provided by State employees to Legislative Committees](#)), Maine State Police employees:

1. Have the right to represent themselves and testify before a legislative committee on their own time;
2. Have the right to respond to any legislative inquiry.

B. A supervisor shall not discharge, threaten, or otherwise discriminate against a Maine State Police employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, in accordance with, and to the extent permitted by, [applicable law](#), testified before or provides information to a legislative committee.

C. A Maine State Police employee:

1. May testify before or present information to a legislative committee as a representative of the Maine State Police only if first authorized to do so by the Colonel;
2. May testify before or present information to a legislative committee as a representative of the Maine Department of Public Safety only if first authorized to do so by the Commissioner of the department, or his or her designee.
3. A sworn officer of the Maine State Police shall not appear in uniform at or before a committee of the Legislature unless first authorized to do by the Colonel.

D. **NOTE:** A State of Maine employee--including, but not limited to, a Maine State

Police employee--who represents him- or herself as a spokesman or representative of the Maine State Police or Maine Department of Public Safety without the authorization of, respectively, the Colonel or the Commissioner, or their designees, commits a Class E crime. See [5 MRSA sec. 27, subsecs. 2 & 3](#).

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT: MAINE STATE POLICE MERIT & CITATION AWARD BOARD | NUMBER: E-27**

**EFFECTIVE DATE: 08.04.2017 | RECENT HISTORY: AMENDED (08.04.2017); AMENDED (SUBSTANTIVE & TECHNICAL)(02.25.2014); RESCINDS G.O. 26D (04.01.2000)**

**DISTRIBUTION CODE: 2**

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish:
  - A. The Maine State Police Merit and Citation Award Board; and
  - B. Guidelines for the nomination and selection of members and non-members for recognition of meritorious service or achievement.

### II. POLICY

1. The policy of the Maine State Police is to recognize both sworn and civilian members, and other persons, for their exemplary contributions or actions as identified in this General Order.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Board. "Board" means the Merit and Citation Award Board.
  - B. Citation. "Citation" means an official commendation for meritorious action.
  - C. Civilian employee. "Civilian employee" means a non-sworn employee of the Maine State Police.
  - D. Member. "Member" means a sworn officer of the Maine State Police.
  - E. Non-member. "Non-member" means a person who is not a sworn member or civilian employee of the Maine State Police.
  - F. Sworn officer. "Sworn officer" means a sworn Maine State Police law enforcement officer.

### IV. PROCEDURE

1. MAINE STATE POLICE MERIT AND CITATION AWARD BOARD
  - A. The Colonel shall appoint the members of the Board.
  - B. The Board shall consist of:
    1. One (1) Commissioned Officer, who shall serve as the Chair of the Board;
    2. One (1) patrol Sergeant;

3. One (1) Major Crimes Unit Sergeant;
  4. One (1) Trooper from the Maine State Police Commercial Vehicle Enforcement Unit;
  5. Two (2) patrol Corporals or Troopers;
  6. One (1) Detective;
  7. One (1) retired officer of the Maine State Police; and
  8. The Department of Public Safety Public Information Officer (P.I.O.), who serves on the Board in an *ex officio* capacity.
- C. Each Board member shall serve for a term of three (3) years.
1. To preserve the philosophy and ensure uniformity in the recommendations for awards, three (3) members of the Board shall be replaced each year.
  2. Additionally, members of the Board vacating their appointment as a result of, for example, retirement or promotion, shall be replaced as necessary with members who will each serve full three-year terms.
  3. In instances when the Board has experienced more retirements or promotions than usual, a Board member may be asked to serve less or more than three years in effort to ensure the philosophy and uniformity of the process.
- D. The Board shall meet at the direction of the Chair.
- E. Seven (7) members of the Board constitute a quorum.

## 2. AWARDS

### A. ANNUAL AWARDS

#### 1. Legendary Trooper Award

- a. This is an annual award presented to a retired Maine State Police sworn officer, living or deceased, whose career accomplishments remain legendary, and whose personal qualities exemplify the very highest standards of the Maine State Police.
- b. The award is a plaque of a design approved by the Colonel.
- c. Each Legendary Trooper's name shall be added to a master roster plaque that shall be displayed at Maine State Police Headquarters and maintained by the P.I.O.

#### 2. Trooper of the Year

- a. This is an annual award presented to a Trooper, Detective, or Corporal who meets the high standards of the Maine State Police, including character, performance, and demeanor with distinction.
  1. Each Troop Commander shall submit nominations for this award, in writing, to the Chair of the Board.
- b. The award is a red and gray service ribbon with the appropriate year imprinted and a plaque of a design approved by the Colonel.

### B. AWARDS OF OCCASION

#### 1. State Police Leadership Award

- a. This award is presented to an active sworn Maine State Police supervisor whose personal qualities exemplify the very highest standards of the Maine State Police.
- b. Lieutenants, Sergeants and Corporals are eligible for the award.
- c. The recipient of this award shall be an officer who has demonstrated extraordinary leadership during a specific incident, or whose career accomplishments represent significant leadership accomplishments through creativity, innovation, and positive change.

#### 2. Maine State Police Award for Valor

- a. This is the highest commendation awarded to a sworn officer of the Maine State Police.
  - b. The award is presented for heroic action and conspicuous valor above and beyond the call of duty for engagement in an incident in which the award recipient disregarded imminent risk of life or serious bodily injury to him- or herself.
    1. The award is given for an act or series of acts committed with outstanding courage in a situation in which, because of its extraordinary circumstances, the life of the award recipient was placed in actual physical jeopardy and in which the officer -- though exposed to danger -- acted with deliberate intent, exercised judgment, and performed competent action sufficient to reflect credit and admiration upon the officer and the Maine State Police.
  - c. The award is a gold medal with a red ribbon, and a red, white, and blue service ribbon.
3. Maine State Police Award for Bravery
- a. This award is presented to a member or non-member who, though in personal peril, saved or attempted to save the life of another person, or who apprehended a person violating the law, and thereby prevented a serious crime from being committed.
    1. The award for a sworn officer is a gold and blue service ribbon.
    2. The award for a civilian employee or non-member is a certificate.
4. Maine State Police Award for Meritorious Service
- a. This award is presented to a member or non-member who, in an exemplary manner, has demonstrated diligence and perseverance in preventing a crime, saving a life, protecting property, or apprehending a dangerous person.
    1. The award for a sworn officer is a red, yellow, and green service ribbon.
    2. The award for a civilian or non-member is a certificate.
5. Maine State Police Award for Wounds Received
- a. This award is presented to a sworn officer of the Maine State Police, a Maine State Police civilian employee, or a non-member of the agency who suffered a serious bodily injury (as that term is defined at [17-A MRSA sec. 2, sub-sec. 23](#)) or who was killed in the line of duty while assisting a Maine State Police Officer by attempting to prevent a crime, save a life, or apprehend a dangerous person.
    1. The award for a sworn officer is a gold star on a blue service ribbon.
    2. The award for a civilian employee or non-member is a certificate.
6. Maine State Police Special Award of Commendation
- a. This award is presented to a member or non-member who deserves recognition for going above and beyond what is expected while aiding or protecting a member of the public.
    1. The award for a sworn officer is a certificate.
    2. The award for a civilian or non-member is a certificate.
7. Maine State Police Certificate of Appreciation
- a. This award is presented to a member or non-member who deserves recognition for a special contribution to the Maine State Police.
    1. The award is the Maine State Police Certificate of Appreciation.

#### 8. Maine State Police Colonel's Award

- a. When special recognition is deserved for outstanding service to the Maine State Police, and when other awards may not seem appropriate to justify the honor, the Board may recommend that the Colonel should consider giving this award to a member or non-member.

1. The award is the Maine State Police Colonel's Award Certificate.

### 3. NOMINATION, SELECTION, AND DOCUMENTATION

#### A. Nomination

1. Any member may, and is encouraged to, submit a nomination for any of the awards described in sections 2 and 3 above.

- a. Each nomination must be accompanied by brief statement explaining why the member thinks the nominee has earned the award for which he or she is being nominated.

2. All such nominations are to be forwarded through the Chain-of-Command to the Chair of the Board, for filing until the Board next meets.

#### B. Selection

1. The Board shall review, and, as necessary, investigate, all nominations received by the Board and then submit a written report with recommendations to the Colonel, or his or her designee.

- a. This report must include the top two candidates for the Legendary and Trooper of the Year Awards.

2. The Colonel, or his or her designee, shall:

- a. Review the report and recommendations;
- b. Direct questions or concerns to the Chair of the Board; and
- c. Make a decision regarding each nomination.

#### C. Documentation

1. A copy of the award a member has been given will be included in that member's personnel file.

2. Each member who has received an award also shall receive a written citation along with the appropriate medal and/or service ribbon the member has received.

### 4. POSTHUMOUS AWARDS

- A. An award, citation, or certificate may be presented to next of kin.

### 5. WEARING OF AWARDS

- A. A sworn officer shall wear all awards in accordance with Maine State Police General Order [E-28, APPEARANCE OF PERSONNEL AND THE WEARING AND APPEARANCE OF THE UNIFORM.](#)

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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# MAINE STATE POLICE GENERAL ORDER

## E-28

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING APPEARANCE OF PERSONNEL AND THE WEARING AND APPEARANCE OF THE UNIFORM

**EFFECTIVE DATE:** 07.10.2019

**RECENT HISTORY:** AMENDED (07.10.2019); AMENDED (01.01.2019); *TECHNICAL AMENDMENTS* (05.07.2014); REVISED (04.14.2014 ); CONVERTED TO WEB FORMAT ON 01.30.2009; FORMERLY G.O. 26G

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to prescribe standards governing the appearance and grooming of personnel, and the proper wearing and maintenance of the uniform.

### II. POLICY

1. The policy of the Maine State Police is that all personnel are to be groomed and dressed so as to project a professional image.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Body modification. "Body modification" means modifications to the body including, but not limited to, tongue splitting or bifurcation; the complete or trans-dermal implantation of any

object(s) (other than hair replacement); abnormal shaping of the ears, eyes, or nose; abnormal filing of teeth; branding; scarification; facial piercings including, but not limited to, tongue piercings, lip piercings, nose piercings, and brow piercings.

1. The term "body modification" does not include modifications to the body resulting from procedures medically necessitated because of natural deformity or injury, or that are generally accepted cosmetic changes/ augmentations performed by a licensed medical professional.
- B. Branding. "Branding" means a mark burned into the skinned for decorative purposes.
- C. Scarification. "Scarification" means a mark created for decorative purposes by the intentional scarring of the skin.

#### **IV. PROCEDURE**

##### **1. DISCUSSION**

- A. The Maine State Police is a paramilitary organization where discipline and effectiveness is judged by a neat and well-groomed appearance.
- B. A duty of all officers is to take pride in their appearance at all times.
- C. Any activity that detracts from a professional appearance is unacceptable.
  1. The use of tobacco products while on duty or in uniform and in view of the public, or standing with hands in trouser pockets, are examples of activities that detract from the appearance expected of a Maine State Police officer.

##### **2. GROOMING**

###### **A. Hair and Cosmetics**

###### **1. General**

- a. An officer's hair must be kept in a neat, clean manner within the following standards:
  - (1) Unconventional haircuts or hairstyles are prohibited.
  - (2) If dyes, tints, or bleaches are used in the hair, colors used must be natural to human hair and not present an extreme appearance.

(3) Lines or designs may not be cut into the hair or scalp.

- b. The bulk or length of the hair must not in any case interfere with the normal wearing of headgear or protective equipment.

B. Male

1. Hair must be worn neatly and closely trimmed.
2. Hair must be clipped at the sides and back so as to present an evenly graduated appearance.
3. When combed, hair may not fall over the ears or eyebrows, or touch the collar.
4. Sideburns must be neatly trimmed. The base of sideburns must not be flared and must be a clean-shaven, horizontal line.
5. Sideburns must not extend below the lowest part of the exterior ear opening.
6. Facial hair
  - a. The face must be clean-shaven. Facial hair such as goatees and beards are prohibited.
  - b. If a mustache is worn, it must be kept neatly trimmed, tapered, and tidy, and may not present a chopped-off appearance. No portion of the mustache may cover the upper lip line or extend sideways beyond a vertical line drawn upward from the corner of the mouth. See Attachment 1.

C. Female

1. Hair must be neatly groomed. The length and bulk of the hair may not be excessive or present an unkempt appearance.
2. Hair may not fall over the eyebrows or extend below the bottom edge of the collar.
3. Cosmetics may be used if applied conservatively and in good taste.
  - a. Exaggerated or faddish cosmetic styles are inappropriate with the uniform and may not be worn.
4. Lipstick and nail polish may be worn with all uniforms as long as the color is conservative and complements the uniform.

- a. Extreme shades of lipstick and nail polish such as purple, gold, blue, and white shall not be worn.

D. Fingernails

1. All officers must keep fingernails clean and neatly trimmed so as not to interfere with performance of duties or detract from appearance.

E. Jewelry

1. Jewelry or articles -- other than the designated uniform class headgear, glasses, or other necessary medical devices or indicators-- may not be worn above the neck when in uniform.
2. Female officers assigned to a plain-clothed assignment may wear one pair of earrings.
  - a. Earrings must be conservative in style and complement the business attire. An example of acceptable jewelry are "stud"-type earrings.

F. Eyeglasses

1. Eyeglasses must be conservative in style and in good taste.
  - a. Glasses of unconventional or extreme shape and/or color shall not be worn.
2. Mirrored sunglasses are prohibited.

G. Tattoos, scarification, and branding

1. Except as provided in paragraph 2, below, no sworn member of the department shall have any tattoo, scarification, or brand that is visible while on-duty in any authorized uniform or attire.
2. Incumbent sworn personnel hired before May 1, 2014 shall not be required to remove or cover existing tattoos, scarification, or branding that existed prior to the effective date of this policy, but shall not add to or receive additional tattoos, scarifications, or brandings in violation of this policy.
  - a. By or before April 30, 2014 incumbent personnel shall provide photographic documentation of existing

tattoos, scarifications, and brandings that are visible while on-duty in any authorized uniform or attire.

(1) All such photographic documentation shall be retained by the Office of Professional Standards.

b. Personnel hired on or after May 1, 2014 shall adhere to the requirements of this General Order while in any authorized uniform or attire.

#### H. Body Modifications

1. Body modification to any area of the body that is visible while on-duty in any authorized uniform or attire, is prohibited.

### 3. UNIFORM APPEARANCE AND FIT; UNIFORM CLASS DESIGNATION

#### A. Uniform Appearance and Fit

1. All uniformed officers shall wear the Class B or C standard working uniform, unless otherwise authorized by this General Order or expressly authorized by an officer's Commanding Officer.
2. Officers shall maintain a high standard of dress and appearance.
3. Uniforms must fit properly and be clean, serviceable, and pressed as necessary.
4. Officers shall ensure that when articles (e.g., wallets, combs, checkbooks, etc.) are carried in pockets, the articles do not protrude from the pocket or present a bulky appearance.
5. Uniforms must be kept buttoned, zipped, and snapped.
6. Shoes, boots, and other leather gear must be cleaned and polished.

#### B. Uniform Class Designation

##### 1. Class A (Dress Blouse)

a. Dress Blouse with Sam Browne and gun belt with the following accessories:

- (1) Holster;
- (2) Magazine pouch;
- (3) Handcuff case;

(4) Stetson.

Class B (Standard Working Uniform – Winter)

- a. The Class B uniform is the uniform of the day beginning November 1st through April 15th.
  - b. The Class B uniform includes:
    - (1) Long sleeve shirt;
    - (2) Necktie;
    - (3) Jacket (optional);
    - (4) Stetson;
    - (5) Issued boots.
  - c. Wearing of the following uniform articles is permissible during inclement weather or particularly cold weather:
    - (1) Black watch cap;
    - (2) Winter parka;
    - (3) Insulated vest. The vest may only be worn under the jacket or winter parka. In no case may the vest be worn as an outer garment.
  - d. When an officer wears an undershirt with the Class B uniform, any exposed portion of the undershirt must be white.
3. Class C (Standard Working Uniform – Summer)
- . The Class C Uniform is the uniform of the day beginning April 16th through October 31st, unless authorized by the Colonel, or his or her designee, to begin on an earlier date.
  - a. The Class C uniform includes:
    - (1) Short sleeve shirt;
    - (2) Issued jacket (optional);
    - (3) Stetson;
    - (4) Issued boots.
  - c. Long sleeve shirt and necktie and/or insulated boots may be substituted due to weather conditions or special details.

- d. When an officer wears an undershirt with the Class C uniform, any exposed portion of the undershirt must be white.
4. Class D (Utility Uniform)
- a. The Class D Utility Uniform may be worn in lieu of the regular uniform for specific activities or events, when authorized by a Commissioned Officer.
  - b. A Commissioned Officer responsible for officers assigned to the following units may, in consultation with his or her appropriate Division Major, authorize the Class D uniform when engaged in training or responses as a member of a specialty team or unit:
    - (1) Troop K - Commercial Vehicle Enforcement Unit;
    - (2) Specialty Team and Training Units;
    - (3) Crime Lab; and
    - (4) The Air Wing.
  - c. The Class D uniform consists of the following:
    - (1) BDU shirt and trousers;
    - (2) BDU field jacket (or winter parka as weather dictates);
    - (3) Issued headgear; and
    - (4) Issued boots.
  - d. Notwithstanding any other General Order, the Class D BDU shirts, trousers, and field jackets shall be issued and worn within the following guidelines:
    - (1) A State Police patch on each shoulder;
    - (2) A State Police badge sewn over the left breast pocket;
    - (3) One Specialty patch sewn or embroidered over the right breast pocket above name tag;
    - (4) Sewn collar insignias (as appropriate for rank);
    - (5) Corporal or Sergeant stripes sewn on the sleeves in the approved fashion.
    - (6) Trousers must be bloused over the top of the boots.
  - e. No metal badges, whistles, pins or other emblems may be worn on any part of the Class D uniform.

f. The Class D uniform is authorized to be worn in the following manner:

- (1) When an officer wears an undershirt with the Class D uniform, any exposed portion of the undershirt must either be navy blue or black, as appropriate. (Only a black undershirt may be worn with a camouflaged Class D uniform.)
- (2) Officers authorized to wear the Class D uniform may, in the event of cold weather, wear a turtleneck shirt, black or navy blue in color, under the authorized Class D winter shirt. (Only a black turtleneck shirt may be worn with a camouflaged Class D uniform.)
- (3) When an officer is authorized to wear a Class D uniform, the uniform shall be worn in a complete and professional fashion. The sleeves on the winter uniform may be rolled up, but must be done in a neat, professional, military-style cuffed fashion and may not otherwise be unbuttoned. All other buttons and/or fasteners are to be buttoned or fastened as designed.
- (4) A Commissioned Officer, with the prior approval of his or her appropriate Division Major, may authorize the wearing of an issued or authorized polo shirt in place of the BDU shirt.

g. Headgear Caps (cover)

- (1) Issued headgear cap must be worn at all times when the officer is outside.

h. Extreme cold weather

- (1) With the permission of their supervisor, and as weather dictates, officers may wear:
  - (A) Issued insulated bib pants, vest, and coat over the Class D uniform;
  - (B) The issued watch cap;
  - (C) Issued boots.

C. General

1. The Colonel, or designee, may direct or authorize that the worn badge be covered consistent with protocol or policies such as the Protocol Manual for the Death of a Law Enforcement Officer.
2. Unless otherwise directed, whenever a uniform class designation is preceded by the wording "funeral detail," it indicates that the Sam Browne must be worn along with the gun belt with minimum accessories, weapon, ammo pouch, and handcuff case.
3. Whenever a uniform class designation is preceded with the wording "civil disturbance detail," it includes, in addition to gun belt and all accessories, the following equipment:
  - a. Issued helmet and/or ballistic helmet;
  - b. Body armor;
  - c. Riot baton;
  - d. Gas mask with filters and carrying bag;
  - e. Issued jacket (as weather dictates);
  - f. Issued boots;
  - g. Gloves;
  - h. Civil disturbance gear with issued equipment.
4. The issued raincoat may be worn with any class uniform, as necessary.
5. Two or more officers working on the same detail shall wear the same class uniform.
6. The only items that may be worn on the issued jacket are:
  - a. Badge;
  - b. Corporal or Sergeant's stripes, as appropriate; and
  - c. Rank insignia for commissioned officers.
7. Officers assigned to the uniformed ranks shall wear the uniform of the day for court and administrative proceedings, unless either:
  - a. The forum of a proceeding prohibits the wearing of a uniform during the proceeding; or
  - b. An officer is in a light-/modified-duty assignment at the time he or she is to attend a proceeding.
    - (1) In either such circumstance, an officer shall wear conservative business attire to a proceeding.

D. Major Crime Unit (MCU) detectives, officers assigned to non-uniform responsibilities, civilian personnel

1. Officers shall wear conservative business attire. A sweater may be substituted for a sports coat or suit coat.
  - a. During extremely warm weather, a sports coat, suit coat, or sweater need not be worn.

Other attire (e.g., coveralls, jeans (denim), work clothes, less formal attire, etc.) may be worn if authorized by a supervisor.

Shoes, ties, socks, and belts must be conservative and appropriate, e.g., no court or running shoes, no flashy, bright-colored socks or ties.

4. ACCESSORIES

A. Leather equipment

1. Notwithstanding any other applicable policies, the following items may be worn on the uniform duty belt:
  - a. Folding utility tool and/or flashlight in a black leather holder consistent with the duty belt and other accessories;
  - b. Portable radio;
  - c. Cellular telephone;
  - d. Accessories for installed electronic devices (e.g., audio/video system, canine door remote control, etc.).
2. Black leather "belt keepers" with silver or chrome snaps are permitted.

B. Maintenance of leather gear

1. Leather gear, including, but not limited to, issued boots, must be properly maintained, cleaned, and shined so that it is free from visible wear and discoloration.

C. Socks

1. Socks, when visible above the boots, must be black or navy blue.

D. Uniform accessories

1. Badge
  - a. The badge must be displayed at all times on shirts, jackets, parkas, blouses, and raincoats worn by officers.
  - b. The badge must be affixed to the garment, centered above the left breast pocket or that portion of the garment designed for retention of the badge.
2. Commissioned Officer Collar Insignia – Class B or C uniform
  - a. See Attachment 2a.
3. Commissioned Officer Rank Insignia – Class A and Jacket
  - a. Placed on the epaulet, 1-inch from the shoulder seam and parallel to the seam.
4. Sergeant/Corporal Cloth Chevrons
  - a. Sergeant/Corporal Cloth Chevrons must be positioned on the sleeve to allow a 1/2-inch between the top of the chevron and the bottom of the official State Police shoulder patch.
5. Maine State Police collar brass
  - a. See Attachments 2b and 2c.
6. Stetson hat
  - a. Stetsons must have acorns on the hat braid and a small hat badge.
  - b. Commissioned officers' braid and hat badge must be gold. All other officers' braids and hat badges must be silver.
  - c. See Attachment 3.
7. Tie bar
  - a. The tie bar must be centered between buttons, right and left breast pocket.
  - b. Only the issued tie bar depicting the State seal may be worn.

8. Service ribbon

- a. When worn, service ribbons awarded for special service must be worn with the Class A, B, and C uniform, centered, top to bottom, right to left, on the left breast pocket flap.
- b. In the case of more than one award, ribbons are worn in order of precedence from the wearer's right to left.
- c. The order of precedence is:
  - (1) Valor - Red-White-Blue (Red will be to the wearer's right);
  - (2) Bravery - Gold-Blue (Gold will be to the wearer's right);
  - (3) Wounds - Blue with star;
  - (4) Meritorious Service - Red-Green-Yellow (Red will be to the wearer's right).

9. Emblems

- a. When authorized, emblems must be worn on the right breast pocket flap, centered top to bottom, left to right.
- b. Only one authorized emblem may be worn only on the dress blouse, winter shirt, and summer shirt.
- c. Authorized emblems are as follows:
  - (1) Crash Reconstructionist Specialist;
  - (2) Air Wing;
  - (3) Dive Team;
  - (4) Drug Recognition Expert;
  - (5) Bomb Team;
  - (6) Canine Unit;
  - (7) Crisis Negotiation Team;
  - (8) Tactical Team;
  - (9) BLETP Cadre pin during the period when the officer is working in such capacity;
  - (10) Pipe and Drum Unit;
  - (11) Field Training Officer pin during the period when the officer is working in such capacity;
  - (12) Trooper of the Year;
  - (13) Evidence Response Team;
  - (14) Incident Management Assistance Team (IMAT)
  - (15) State Police Motorcycle Unit;
  - (16) Firearms Instructor;

- (17)EVOC Instructor; and
- (18) PACE Team.

10. United States military awards and medals

- a. On Veterans' Day (November, 11), with the prior approval of the Colonel, or designee, officers may display any military awards and medals they have been awarded.

11. Name plate

- a. The name plate must be displayed at all times on an officer's shirt or dress blouse, centered above the right breast pocket, with the bottom of the name plate in line with the top of the right breast pocket flap.

12. MCJA Certified Instructor pin/FBI National Academy pin

- a. The MCJA Certified Instructor pin must be centered and 1/2-inch above the top of name tag.
- b. In lieu of an MCJA Certified Instructor pin, the FBI National Academy pin may be worn by those personnel who have graduated from the FBI National Academy. When worn, the FBI National Academy pin must be centered and 1/2-inch above the name tag.
- c. Only one such pin may be worn or displayed on the uniform.

13. Whistle and chain

- a. The whistle and chain must be worn with the chain clip under the right epaulet button, and the chain ring, or chain loop (whistle end), retained by the right breast pocket flap button, under the pocket flap.
- b. The whistle and chain must be worn on the Class A, B, and C uniforms.
- c. The whistle and chain may not be worn on the jacket.

E. Service Stripes

- 1. For each three years of service completed by sworn officers, a gold service stripe is authorized for the left sleeve of the official uniforms listed below. These service stripes must be worn in the following manner:

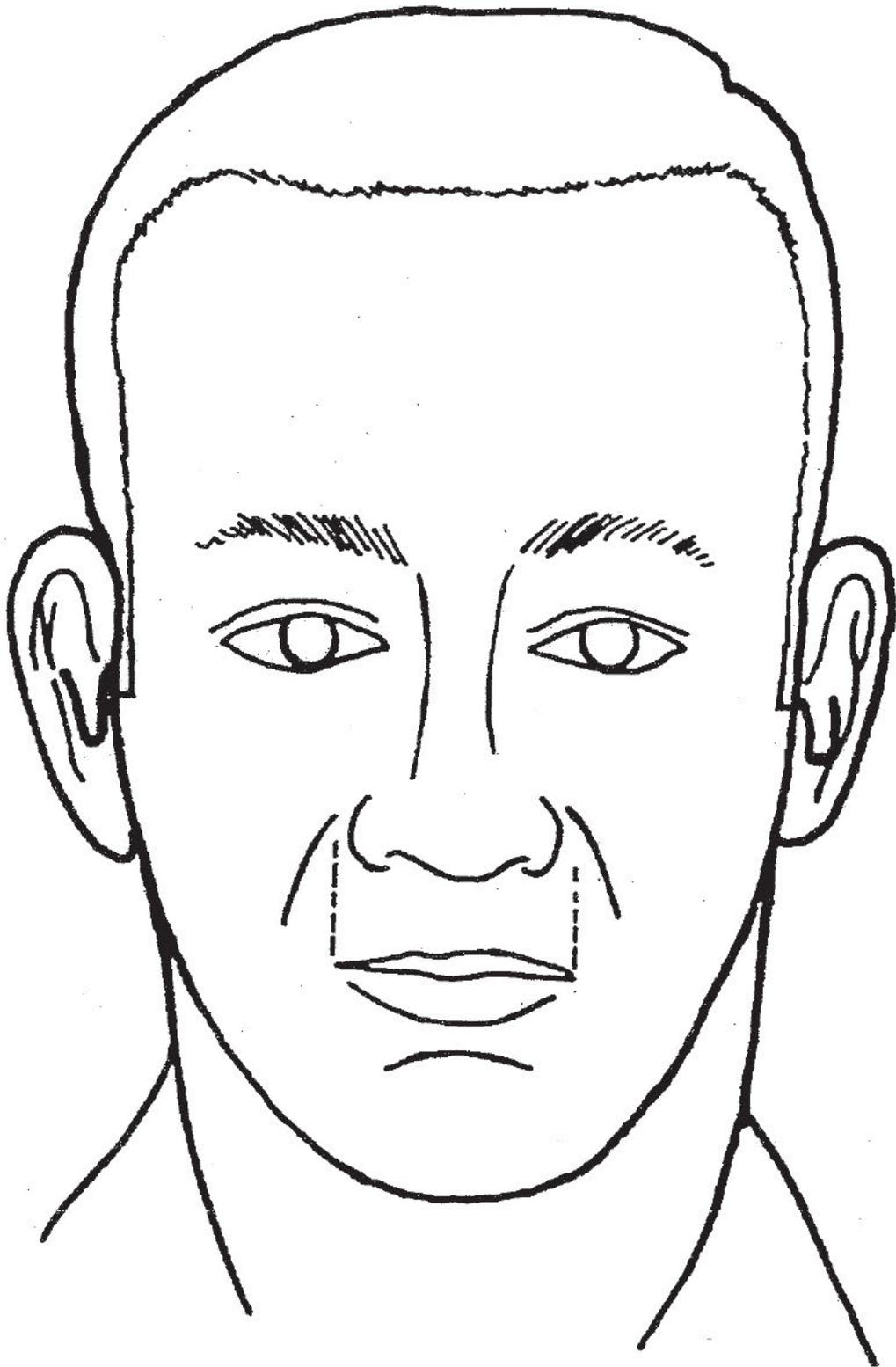
- a. Winter Shirt – 2-inch service stripe shall be affixed to left sleeve on line with the center of the shoulder patch 1/2-inch above the top of the sleeve cuff. Additional authorized service stripes shall be positioned above initial service stripe and continue on line with the center of the shoulder patch toward same.
- b. Dress Blouse – 3-inch service stripe shall be affixed to the left sleeve on line with the center of the shoulder patch, 1/2-inch above the top of the decorative braid. Additional service stripes shall be positioned above initial service stripes and continue on line with the center of the shoulder patch toward same.

## **ATTACHMENTS**

[MSP GO E-28 ATTACHMENTS 1, 2a, 2b, 2c, and 3](#)

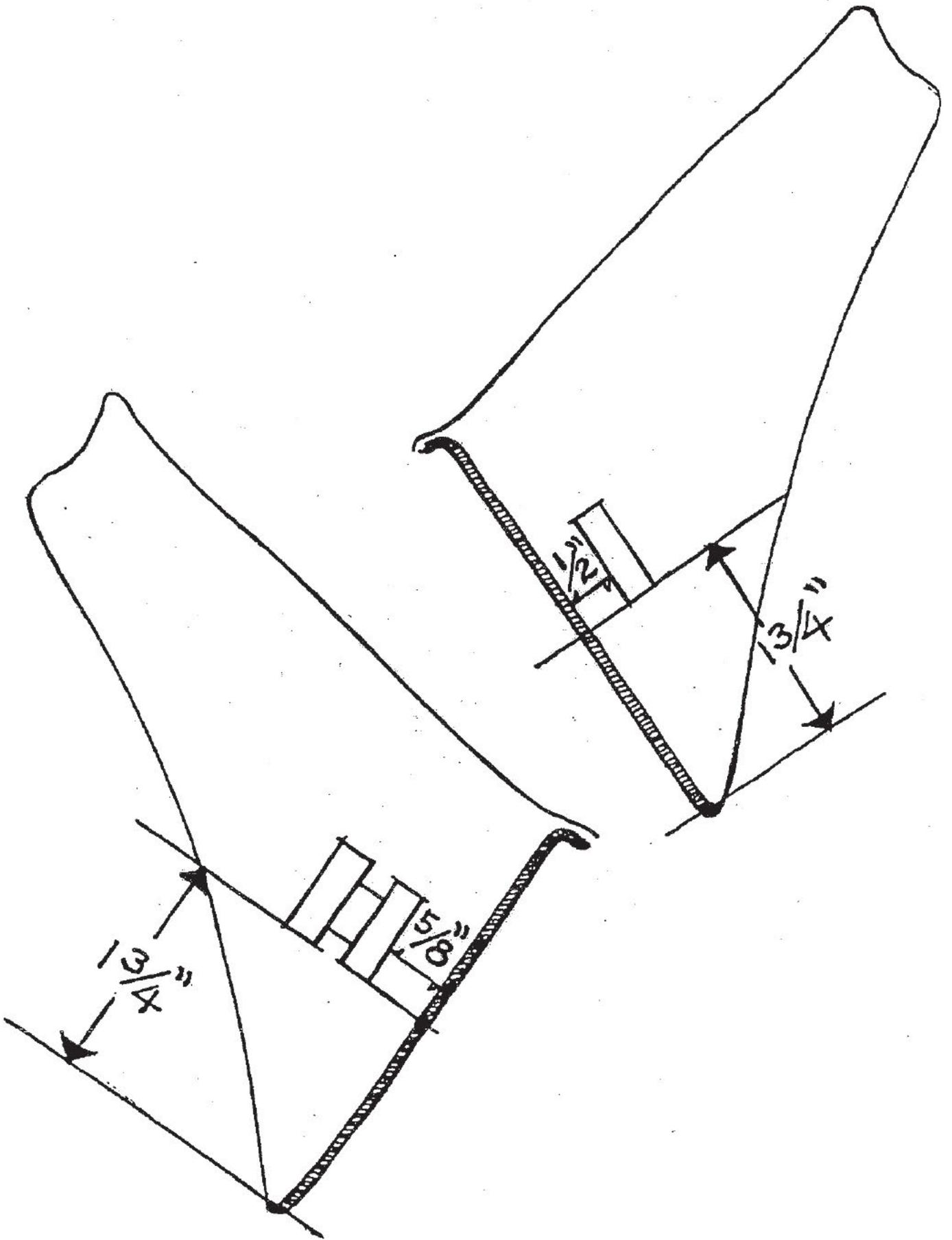
### **NOTICE**

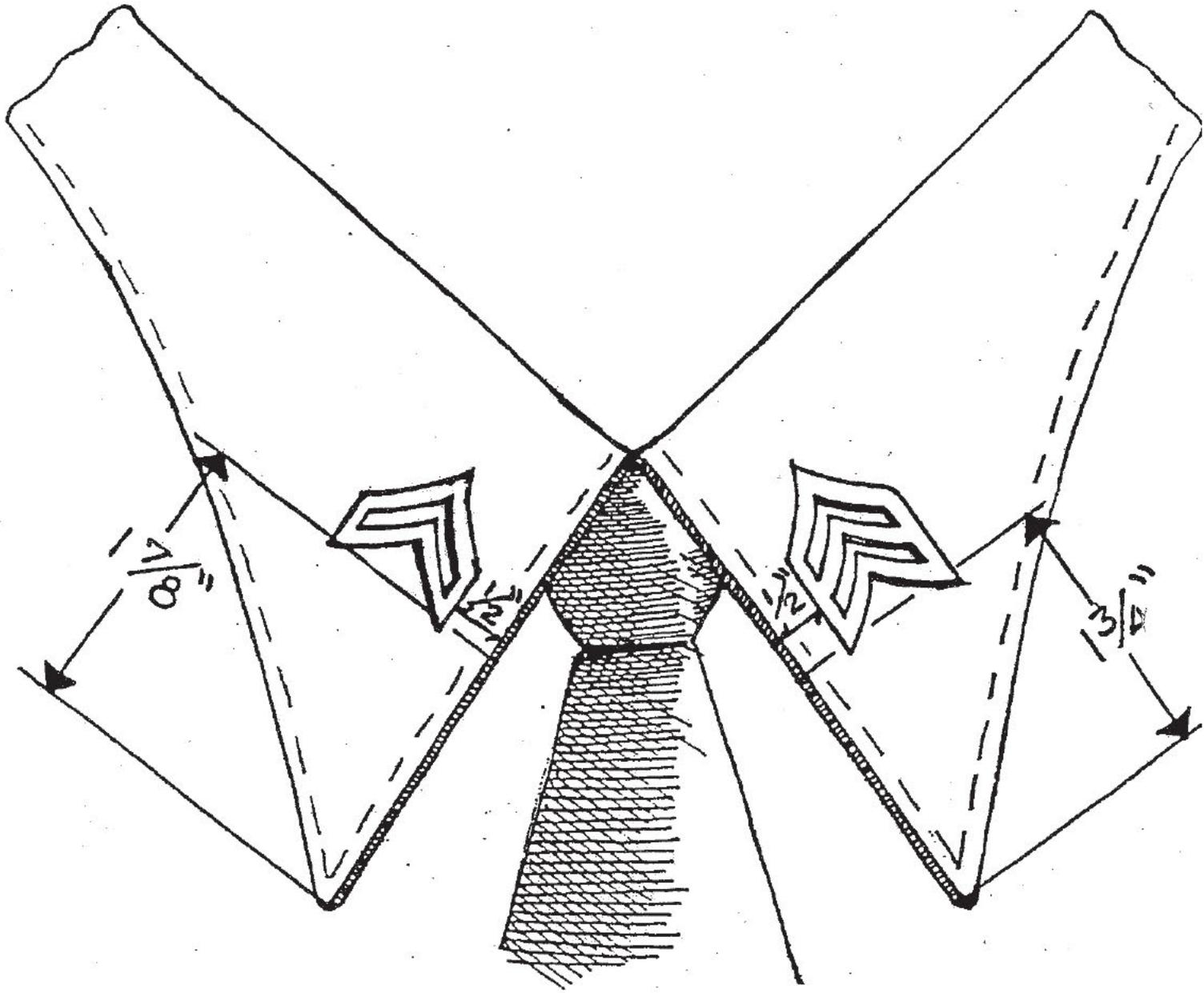
**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

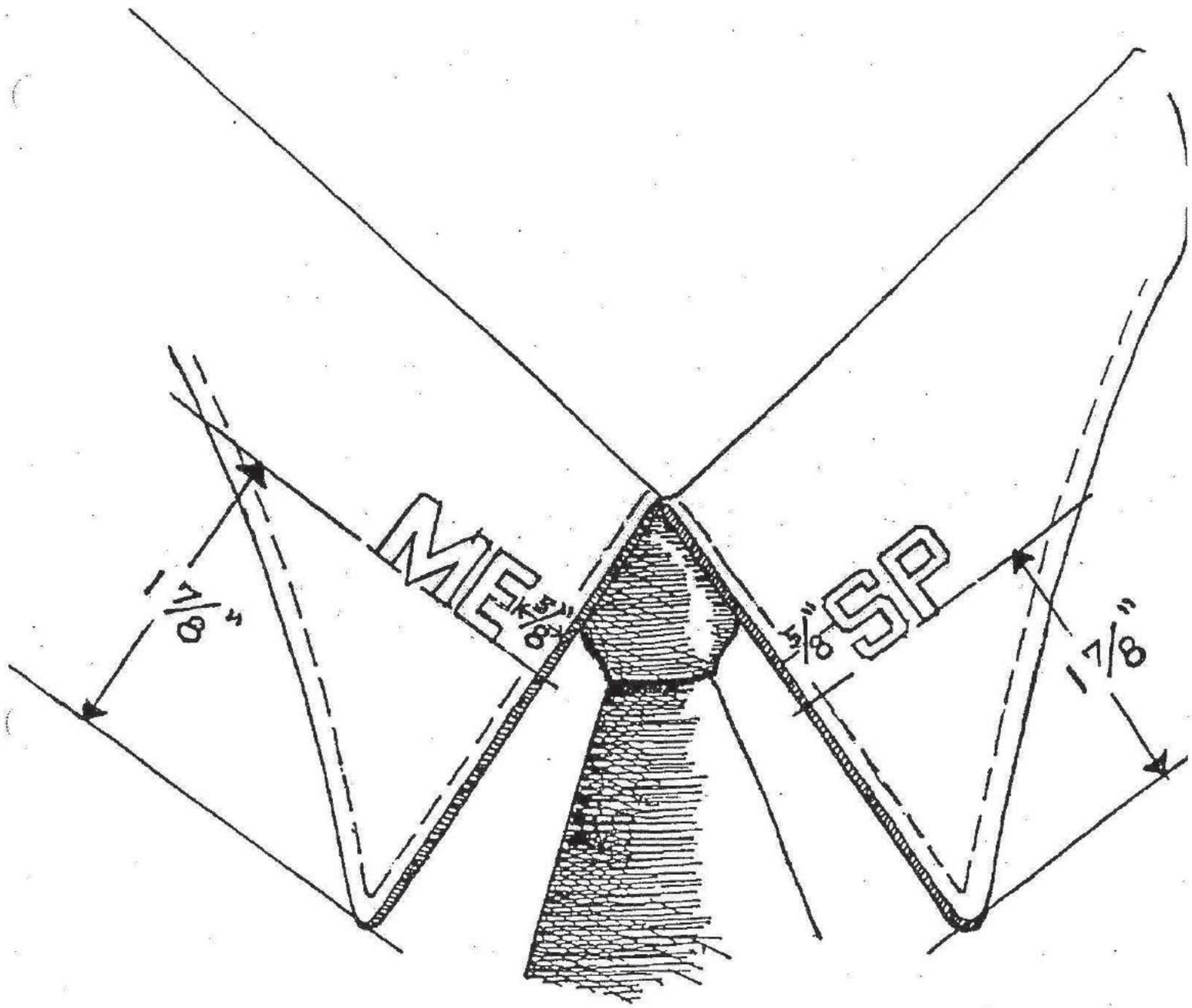


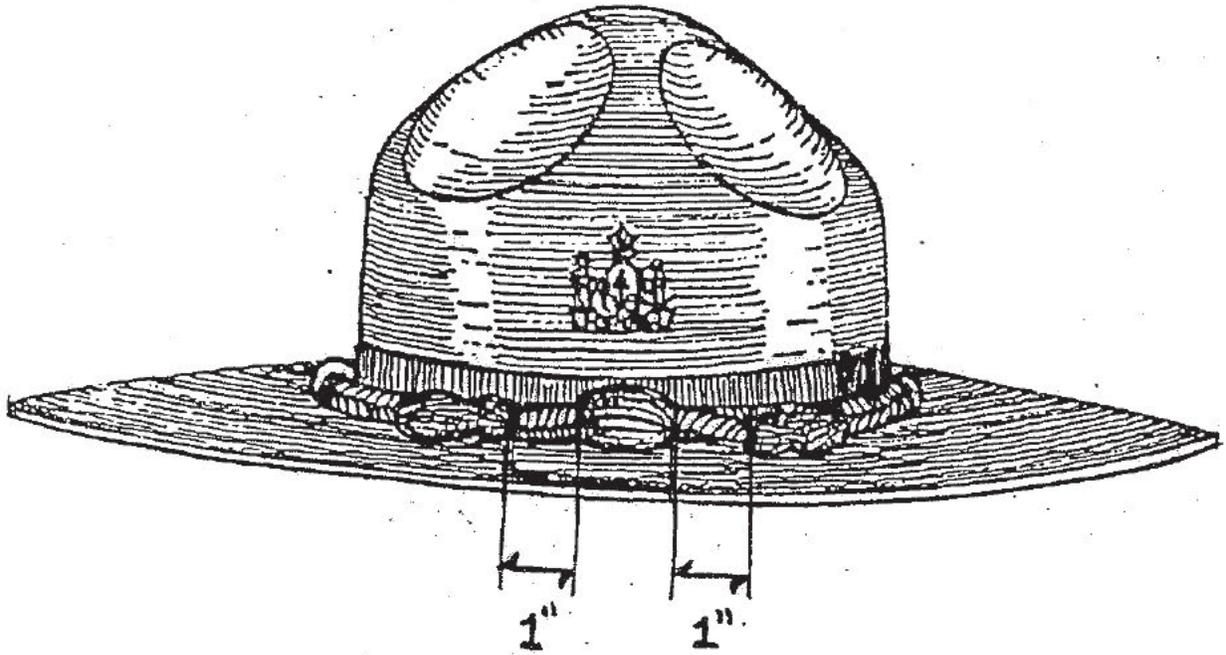
Wear of Mustache

ATTACHMENT 1











## MAINE STATE POLICE OPERATIONS GENERAL ORDER

Home | Search Orders:

**SUBJECT:** MAINE STATE POLICE MATERNITY POLICY | **NUMBER:** E-29

**EFFECTIVE DATE:** 09.27.2012 | **RECENT HISTORY:** REVISED (09.27.2012); NEW (02.12.2009)

**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of this General Order is to state the maternity policy of the Maine State Police.

### II. POLICY

1. The policy of the Maine State Police is to comply with all applicable State and Federal laws that prohibit workplace discrimination on the basis of pregnancy. The fact that a Maine State Police officer is pregnant shall not be a cause for any change in the officer's employment assigned duties and responsibilities, except as provided in this order.

### III. DEFINITIONS

1. For the purpose of this order, the following words and terms have the meanings given:
  - A. None.

### IV. PROCEDURE

#### 1. ALTERNATIVE DUTY ASSIGNMENTS

- A. Employees should take notice that their employment with the Maine State Police places physical demands on them and exposes them to a variety of risks, depending on their particular position and assignment. It is the employee's responsibility to notify her supervisor and the Director of Human Resources when her health care provider determines that she cannot safely perform all of the regular duties of her position or assignment.
- B. If the employee is capable of performing a temporary alternative duty assignment, she may request one. A pregnant employee will be removed from active enforcement duties and transferred to a temporary alternative duty assignment upon the employee's request and only when the employee's health care provider recommends that the employee be transferred to an alternative duty assignment.

#### 2. FAMILY AND MEDICAL LEAVE

- A. If the employee is unable to work in an alternative duty capacity, the employee may

be entitled to sick leave and/or leave pursuant to the Family and Medical Leave Act Policy for Employees of Maine State Government. Employees are encouraged to contact the Maine State Police EEO Coordinator for assistance in reviewing leave options.

### 3. FIREARM QUALIFICATION AND LEAD-FREE AMMUNITION

- A. A pregnant Maine State Police Officer who has notified MSP of her pregnancy may request to be exempt from live-fire firearms qualification requirements during the term of her pregnancy.
- B. Following her pregnancy, and once she returns to her full-duty status assigned duties, an officer's exemption to live-fire firearms qualifications shall cease, and she shall be required to qualify in accordance with the existing firearm qualification requirements of the Maine State Police.
- C. The officer may request that she be provided with and be able to use lead-free ammunition during live-fire firearms qualification if necessary due to post-pregnancy considerations. Such request shall be made to the officer's commanding officer in writing.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE BASIC LAW ENFORCEMENT TRAINING PROGRAM AND RECRUIT TRAINING TROOP PROGRAM | **NUMBER:** E-31

**EFFECTIVE DATE:** 04.27.2017 | **RECENT HISTORY:** TECHNICAL CORRECTIONS (04.27.2017); REVISED (04.19.2017); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (02.05.2009); FORMERLY G.O. 33R (03.01.1994)

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the Basic Law Enforcement Training Program and Recruit Training Troop program.

### II. POLICY

1. The policy of the Maine State Police is to provide the best possible training to Cadets and Recruits and to make every effort to ensure that each Cadet and Recruit is prepared to meet the rigors of law enforcement.

### I. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Basic Law Enforcement Training Program Academy ("BLETP"). "Basic Law Enforcement Training Program Academy" ("BLETP) means the basic police school conducted at the MCJA for the purpose of providing Cadet-level training.
  - B. Cadet. "Cadet" means an individual hired by the Maine State Police and who is to attend the BLETP.
    1. A Cadet is not a law enforcement officer and has no law enforcement powers.
  - C. Colonel. "Colonel" means the Colonel of the Maine State Police, or his or her designee.
  - D. Commandant. "Commandant" means the Maine State Police Commissioned Officer assigned by the Colonel as the Commander of the RTT.
  - E. MCJA. "MCJA" is the acronym for Maine Criminal Justice Academy.
  - F. Recruit. "Recruit" means an individual hired by the Maine State Police who has successfully completed the BLETP.
  - G. Recruit Training Troop ("RTT"). Recruit Training Troop ("RTT") means the advanced Maine State Police School conducted at the MCJA for the purpose of providing advanced training and skills to Recruits.
  - H. Training Staff. "Training Staff" means the sworn Maine State Police personnel, including the Commandant, assigned to the Maine State Police RTT as staff members.

### II. PROCEDURE

1. BASIC LAW ENFORCEMENT TRAINING PROGRAM ("BLETP") ATTENDANCE

- A. At the time of being hired by the Maine State Police, all Cadets shall meet or exceed all entrance requirements for participation in the BLETP -- as outlined in the most up-to-date version of the MCJA's [BLETP Handbook](#) -- **except**, in order to attend the BLETP, Cadets must pass the Cooper Standards Physical Fitness Test with a minimum score of the 50th percentile in each category.
- B. To attend, and while attending, the BLETP, all Cadets shall meet all other requirements, rules, and regulations set forth in the [BLETP Handbook](#).

1. RECRUIT TRAINING TROOP ("RTT") ATTENDANCE

- A. Cadets who successfully complete the BLETP shall be sworn to the rank of Recruit before attending the RTT.
- B. All previously certified law enforcement officers who completed the BLETP (so-called "Blue Pins") shall be sworn into the rank of Recruit.
  - 1. Each Blue Pin must successfully qualify with a Maine State Police issued weapon prior to attending the RTT.

2. RTT MANUAL

- A. Each State Police Recruit shall be issued a *Recruit Manual* that must contain the following information, at a minimum:
  - 1. The organization (Chain-of-Command) of the RTT;
  - 2. All RTT rules and regulations;
  - 3. RTT physical fitness and proficiency skill requirements; and
  - 4. RTT required knowledge.

3. REQUIREMENTS FOR SUCCESSFUL COMPLETION OF THE RTT

- A. The following requirements must be met by each Recruit in order to graduate from the RTT; a failure to meet any requirement shall be grounds for dismissal from the RTT on the recommendation of the Commandant, and with the prior approval by the Colonel of the Maine State Police:
  - 1. Each Recruit shall attend all RTT sessions, except a Recruit may be absent from an RTT session with the prior approval of the Colonel or the Commandant; **however, no Recruit shall graduate from the RTT if he or she has been absent for more than 10% of the total hours of RTT instruction time.**
  - 2. To successfully complete the RTT, a Recruit must have a cumulative academic average of at least 80% at the conclusion of the RTT.
    - a. Whenever a Recruit's cumulative academic average falls below 80% during the course of the RTT, the Training Staff shall issue Academic Probation notices, and notify the Commandant, or his or her designee, when such notices are issued.
      - 1. Such notices must advise the Recruits to whom they are issued that they will be required to appear before the Commandant, or his or her designee, for review of academic records and, if warranted, discussion of possible dismissal from the RTT.
      - 2. Recruits shall sign such notices to indicate their receipt of the notices.
  - 3. Each Recruit shall successfully complete the advanced firearms course of instruction and must qualify with Maine State Police-issued weapons and ammunition, in accordance with the current standards set forth by the Maine State Police Principle Firearms Instructor.
  - 4. Each Recruit shall complete the Emergency Vehicle Operation Course ("EVOC"), in accordance with with the current standards set forth by the Maine State Police Principle EVOC Instructor.
  - 5. Each Recruit shall participate in the RTT physical fitness program to enhance

- cardiovascular fitness and increase muscular strength and endurance.
- a. Recruits shall achieve at least the 60th percentile of the Cooper Aerobics Institute Physical Fitness Standards in order to graduate from the RTT.
6. The duties of a State Police Trooper are inherently dangerous. Often a Trooper is required to perform under circumstances of great emotional stress and adversity.
    - a. Therefore, while attending the RTT, Recruits shall be observed, tested, and evaluated on their ability to react and cope with stressful situations presented by the Training Staff and other instructors assigned to the RTT by the Training Staff.
      1. Recruits must demonstrate an ability to appropriately react to stressful situations.
  7. The duties of a State Police Trooper require that a Trooper be able to command the respect of and communicate effectively with the public, and to promote public relations in order to enhance the image of the Maine State Police.
    - a. A Maine State Police Trooper also must communicate and work in cooperation with fellow Troopers, other law enforcement officials, judicial system personnel, and government agencies and officials in order to effectively serve and protect the public and to preserve personal safety.
    - b. Therefore, during and after the RTT, each Recruit shall maintain a high standard of professionalism and demonstrate a positive attitude, a professional demeanor and appearance, a high level of moral and ethical conduct, and the ability to communicate and work with each person with whom contact is made.
  8. Each Recruit shall adhere to the expectations and standards set forth in the provided *Recruit Manual*.
4. GROUNDS FOR DIMISSAL
- A. The following are grounds for dismissal from the RTT:
    1. The failure of a Recruit to meet any of the requirements for successful completion of the RTT, as set forth previously in this policy;
    2. The failure of a Recruit to comply with the rules and regulations of the RTT; or
    3. A permanent or long-term physical disability that results in the inability of a Recruit to complete the requirements for successful completion of the RTT, as set forth previously in this policy, or that will result in the Recruit being unable to safely and effectively perform the duties of a Maine State Police Trooper.
      - a. A Recruit who suffers a short-term work-related disability due to activities of the RTT shall be accommodated whenever reasonably practicable.
      - b. A recruit who suffers a short-term *non-work-related* disability may be accommodated if the Commandant concludes that the disability will be of a short duration and will not substantially affect the Recruit's ability to participate effectively in the RTT.
      - c. A non-work- or work-related long-term or permanent disability that would affect a Recruit's ability to safely and effectively perform the duties of a Maine State Police Trooper and that cannot be reasonably accommodated shall result in dismissal from the RTT.
  - B. The Training Staff shall evaluate the emotional stability of each Recruit throughout the RTT, and if at any time during the RTT the staff concludes that a Recruit will be unable to perform necessary official duties under circumstances of great stress and adversity, then such a conclusion shall be grounds for dismissal of that Recruit from the RTT.

- C. If at any time during the RTT the Training Staff concludes that a Recruit will be unable to perform the duties of a Maine State Police Trooper due to a deficiency in attitude, appearance, professionalism, demeanor, moral or ethical conduct, or the ability to communicate and work effectively with others, then such conclusion shall be grounds for dismissal of the Recruit from the RTT.

#### 5. DOCUMENTATION OF RECRUIT PERFORMANCE

- A. Documentation is essential for the Commandant to evaluate acceptable and unacceptable performance and determine the appropriate action to be taken with each Recruit.
- B. Therefore, the Training Staff shall maintain the following records to enable the Commandant to perform this task properly.

##### 1. INJURIES

###### a. Non-work related injury

- 1. A Recruit shall report all non-work-related injuries to a Training Staff member as soon as possible after it occurs.
- 2. A Recruit shall document the injury in a memorandum, outlining the incident that caused the injury, all corrective measures that have been taken to address the injury, and the expected time of recuperation.
  - A. Attached to the memorandum should be documentation from the attending physician that states specific restrictions or limitations resulting from the injury.
- 3. The Recruit shall then forward all such documentation to the Commandant.
- 4. The documentation shall be filed in the Recruit's personnel file.

###### b. Work-related injury

- 1. A Recruit shall report all work-related injuries to a Training Staff member immediately after it occurs.
- 2. A Recruit shall complete all "First Report of Injury" documentation when a work-related injury occurs.
  - A. The Training Staff member who receives the First Report of Injury shall complete the Supervisor's Report part of it.
- 3. The First Report of Injury documentation shall be forwarded to the Department of Administrative & Financial Services, Security & Employment Service Center.

##### 2. ACADEMICS

- a. Copies of all quizzes, examinations, and practical exercise sheets shall be kept in each Recruit's RTT personnel file for the duration required by the applicable Maine State Police records retention schedule, and then be disposed of in accordance with that schedule.
- b. Recruits' grades and academic standing shall be kept and updated on a weekly basis.
- c. Copies of all RTT course materials for blocks of instruction shall be provided by each RTT instructor and maintained for the duration required by the applicable Maine State Police records retention schedule, and then be disposed of in accordance with that schedule.

##### 3. PERFORMANCE MANAGEMENT FORM ("PMF")

- a. At the beginning of the RTT, the RTT Training Staff shall complete a Performance Management Form ("PMF") for each Recruit and review the expectations stated in the form with each Recruit early on during the RTT.
- b. The Commandant shall review all such PMFs.

1. If a Training Staff member rates a Recruit as anything less than "Acceptable," then the Training Staff member shall state the reason for that rating under the "Comments" section of the PMF.
      - c. PMFs shall be kept for the duration of the RTT, and be maintained for the duration required by the applicable Maine State Police records retention schedule, after which time the PMFs shall be disposed of in accordance with that schedule.
4. EVALUATIONS
  - a. Troop Leaders shall complete a "Peer Evaluation" for for each Recruit that evaluates the Recruits' performance during the preceding week.
  - b. Each Recruit shall complete a "Self-Evaluation" form and "Troop Leader Evaluation" from that respectively evaluates the Recruit's own performance and the Troop Leader's performance during the preceding week.
  - c. The Commandant and Training Staff shall review all such evaluations.
  - d. The evaluations shall be kept for the duration of the RTT, and then be maintained and disposed of in accordance with the applicable Maine State Police records retention schedule.
6. CORRECTIVE ACTION PRIOR TO DISMISSAL
  - A. *Immediate Correction* – Training Staff members noticing minor performance deficiencies of a Recruit shall immediately notify the Recruit of such when appropriate.
    1. The Commandant shall be notified by Training Staff Member of any major performance deficiencies of a Recruit, as well as of any repeated minor performance deficiencies of a Recruit.
  - B. *Formal Counseling* – When necessary, a Recruit shall be counseled formally by either the Commandant or a Training Staff member about performance deficiencies.
    1. That Recruit shall take action to remedy all performance deficiencies about which he or she has been formally counseled.
    2. Such formal counseling must be documented by the Commandant or Training Staff member who counseled a Recruit.
7. DISMISSAL FROM THE RTT
  - A. If, based on the recommendation of the Training Staff, and/or based on his or her own personal observations, the Commandant finds the performance deficiencies of a Recruit to be of an extent that the Commandant concludes that the Recruit will not be able to perform duties of a Maine State Police Trooper, then, with the prior approval of the Colonel of the Maine State Police, the Commandant may dismiss the Recruit from the RTT .
  - B. If a Recruit fails to meet one of the requirements of successful completion of the RTT, as stated previously in this policy, then, with the prior approval of the Colonel of the Maine State Police, the Commandant may dismiss the Recruit from the RTT .
  - C. If a Recruit is dismissed from the RTT, the Commandant shall complete all necessary and appropriate forms, and then shall forward them to the Department of Administrative & Financial Services, Security & Employment Service Center.
  - D. The Commandant, or his or her designee, shall conduct an exit interview with a dismissed Recruit, during which each reason for dismissal from the RTT shall be explained to the Recruit.
    1. A Recruit subsequently may respond to the Commandant's (or designee's) explanation in writing.
8. RESIGNATION FROM THE RTT
  - A. When a Recruit resigns from the RTT, the Commandant shall be informed immediately.

- B. The Commandant, or his or her designee, shall conduct an exit interview with the resigning Recruit to:
  - 1. Learn why the Recruit is resigning from the RTT;
  - 2. Confirm that the Recruit's resignation is completely voluntary;
  - 3. Ensure that the Recruit is aware that if the Recruit is resigning because he or she has a short-term work-related disability, then reasonable accommodations may be made so that the Recruit may continue to participate in the RTT.
- C. Upon completing the exit interview, a Recruit shall be escorted by a Training Staff member from the grounds of the MCJA.
- D. All records of a Recruit who resigns from the RTT shall be forwarded to the Department of Administrative & Financial Services, Security & Employment Service Center.

#### 9. RETENTION OF RTT RECORDS

- A. All records material to each RTT shall be maintained for the duration required by applicable Maine State Police records retention schedules, and then be disposed of in accordance with such schedules.

#### ATTACHMENTS

##### [BLETP HANDBOOK](#)

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# **Maine Criminal Justice Academy**

**A Bureau of the Maine Department of Public Safety**

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## **31<sup>st</sup> Basic Law Enforcement Training Program Cadet Orientation and Curriculum Guide**



**August 15, 2016 – December 16, 2016**

**Curriculum Approved by the  
Maine Criminal Justice Academy Board of Trustees  
Revised: July 2016**



## **ADMINISTRATION AND STAFF**

### **Maine Department of Public Safety**

*Mr. John E. Morris, Commissioner*

### **Maine Criminal Justice Academy Board of Trustees**

*Deputy Chief Amy J. Berry, Chair*

#### **Academy Director**

*Mr. John B. Rogers, MCJA*

#### **Assistant Academy Director**

*Mr. Richard R. Desjardins, MCJA*

## **Basic Law Enforcement Training Program STAFF AND CADRE**

### **BLETP Training Coordinator**

*Mr. David E. Tyrol, MCJA*

### **BLETP Cadre Supervisors**

*Sergeant Joseph A. Mills III, Maine State Police*

*Sergeant Scott H. Hamilton, Maine State Police*

### **Cadre**

*Corporal Cody E. Laite, Waldo County Sheriff's Office*

*Warden Joshua D. Smith, Maine Warden Service*

*Officer Jeremy D. Somma, Lewiston Police Department*

*Officer Anthony M. Drouin, Augusta Police Department*



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Paul R. LePage  
Governor

STATE OF MAINE  
*Department of Public Safety*  
**MAINE CRIMINAL JUSTICE ACADEMY**  
15 Oak Grove Road  
Vassalboro, Maine 04989



John E. Morris  
Commissioner

John B. Rogers  
Director

August 15, 2016

Cadets of the 31<sup>st</sup> BLETP:

On behalf of John E. Morris, Commissioner of Public Safety for the State of Maine and the Board of Trustees of the Maine Criminal Justice Academy, it is my pleasure and privilege to welcome you to the 31<sup>st</sup> Basic Law Enforcement Training Program (BLETP).

You are about to embark on an 18-week program designed to qualify you as a Maine law enforcement officer. This school will test your ability and willingness to assume the complex and challenging responsibilities of a modern law enforcement officer, who is charged with keeping the peace, protecting State and Federal constitutional rights and enforcing applicable laws.

The BLETP instruction is focused on providing you with the necessary competence in six basic areas:

1. **Knowledge:** To acquire the necessary information concerning the goals of your profession.
2. **Understanding:** To master your profession and understand your role within this organization and your agency organization.
3. **Skills:** To develop your abilities to meet the challenges of your profession.
4. **Value:** To provide you a standard of professionalism.
5. **Attitude:** To develop within you, a feeling that participation in a worthwhile mission is critical for the safety of you, your fellow officers and citizens of the State of Maine.
6. **Interest:** To create an atmosphere of motivation, so that you can be the best at your work and in your profession.

Your hard work and diligence will reward you with a feeling of competence in your chosen profession, law enforcement. Your time is a most valuable commodity and each Cadet should develop good time management skills. For those of you who successfully complete this program and continue in law enforcement, it will be the beginning of many more training sessions in your career. Professional development is a life-long requirement. Good luck.

Sincerely,

John B. Rogers, Director  
Maine Criminal Justice Academy

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## LAW ENFORCEMENT CODE OF ETHICS

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**A**s a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional Rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representative in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

*The International Association of Chiefs of Police*

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## ACADEMY ENVIRONMENT

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Law enforcement organizations tend to be highly structured organizations whose operation is guided by general orders and directives. Agency “Standard Operations and Procedures” are strictly followed by law enforcement personnel.

The need for order, compliance and control in the Academy is essential. From the moment a Cadet reports, virtually every minute will be occupied with training. There is a great deal to be learned in a very short period of time. The goal of this rigorous schedule is not to deprive the individual of time to think, but rather to force Cadets to think fast, act quickly and decisively, and to be prepared for any eventuality.

Stress is inherent in law enforcement. Everyday, law enforcement officers are called upon to assume many stressful roles, roles that may require an officer to make an immediate decision based on their Academy training. Law enforcement officers must act within the restraints of the law with experience and courage while handling a diversity of situations. They must communicate with others patiently and without outward display of temper and emotion. Within this context, “Academy Environment” refers to an atmosphere of pressure and urgency, but in a controlled learning environment that is specifically designed to replicate the type of stress and pressure experienced by law enforcement officers in the field.

In addition to the academic load, our Academy training instills and develops character, maturity, and self-discipline. As a law enforcement officer works alone, they carry an enormous responsibility. They may deprive citizens of their liberty or be called upon and obligated to take charge in life threatening situations. This happens when others may run away, panic, lose control or simply choose to ignore what is happening.

Our training requires Cadets to use their physical and mental resources. In exchange, each Cadet will build self-confidence. They will also gain self-reliance and develop leadership abilities. Poise, self-control, and improved reaction time will also increase the likelihood of satisfactory performance under adverse and life-threatening conditions.

Every law enforcement officer will be required to make critical decisions with little or no guidance, yet be flexible and able to adapt to sudden changes. Law enforcement officers must be able to calmly and effectively handle several situations at the same time. Split-second decision making, in a variety of life and death circumstances, is often crucial to the survival and safety of the officer or fellow law enforcement officers. This may also be crucial to the public that officers are sworn to protect and serve.

The Academy recognizes that it is difficult and stressful for Cadets to be away from their homes. It is natural for a Cadet to be a little homesick. Cadets need to try to reassure themselves that this is not a permanent situation and most of the other Cadets are probably experiencing the very same feelings and emotions. As time goes by, each Cadet will learn to adjust and adapt to the training environment. This will make their work easier. If a Cadet is having problems, they are encouraged to talk to the Cadre.

The Academy is meant to be difficult and stressful. It will test each Cadet every day physically, psychologically, and mentally. Only by working hard and in conjunction with others will a Cadet manage to complete the training program successfully and graduate to be a law enforcement officer.

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## ABOUT THE MAINE CRIMINAL JUSTICE ACADEMY

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The first Maine statute on police training was enacted in 1969. The bill provided for the establishment of a facility and the provision for training programs for law enforcement personnel and established the Maine Police Academy. The Maine Police Academy thus became the Maine Law Enforcement and Criminal Justice Academy. The policy board was expanded to include representation from a cross section of the criminal justice system.

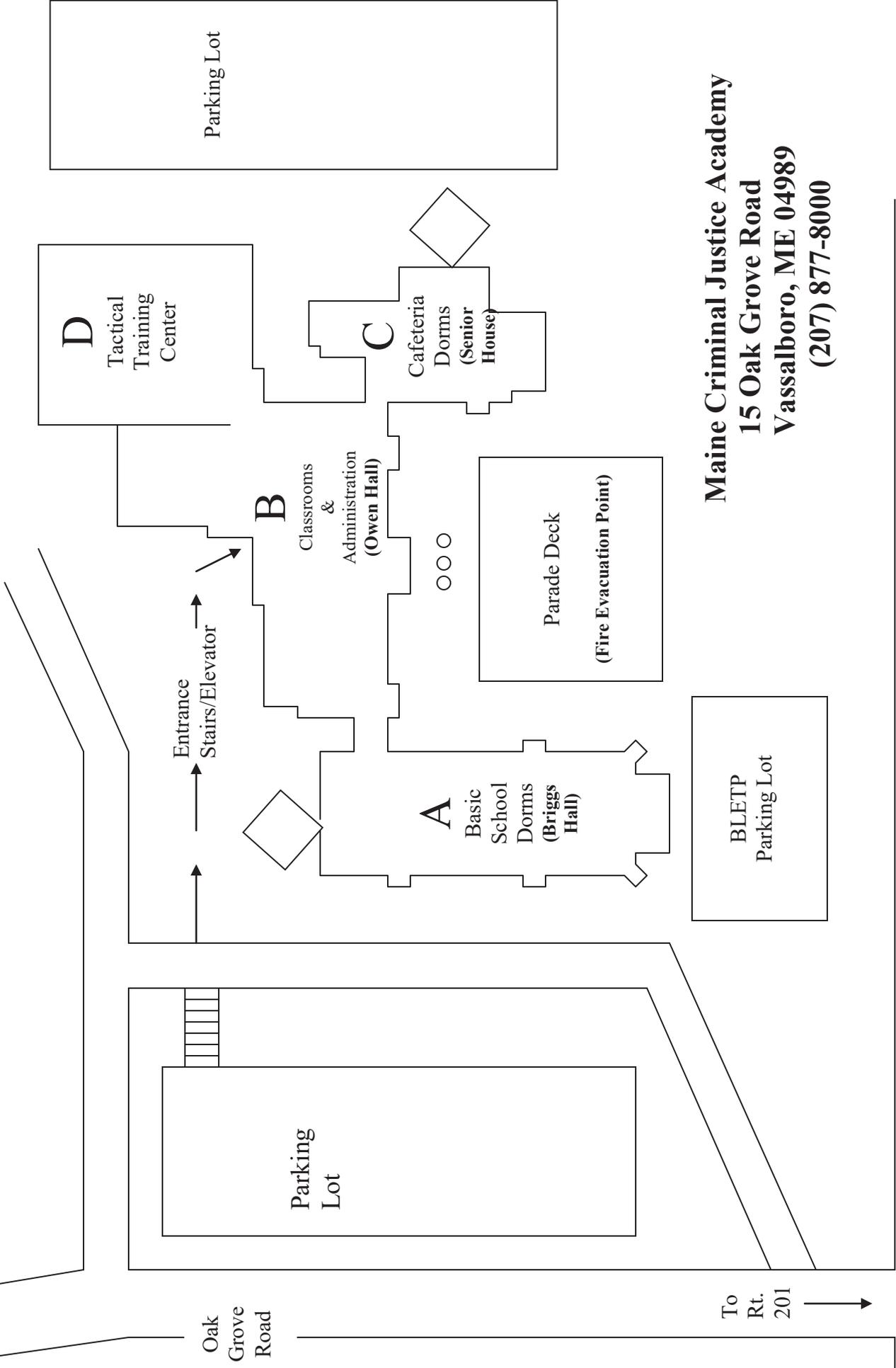
The Maine Legislature passed a mandatory police training law in 1971. The law required that all full-time municipal and county police officers complete a basic police school at the Maine Law Enforcement and Criminal Justice Academy within one year of their appointment as a law enforcement officer. In 1978, the Maine Legislature amended the statutes to provide for mandatory training of corrections officers.

In 1972, a site was located at the former Thomas College in Waterville, and the Maine Criminal Justice Academy was established. In that year, under a state reorganization, the Academy was given its present name; a Board of Trustees was established and retained the policy control over the development of curriculum and standards for Academy students. The Department of Public Safety under its commissioner was responsible through the Director in the administration and supervision of its programs.

In December 2000, the Maine Criminal Justice Academy moved to the former Oak Grove Coburn School in Vassalboro. The facility was completely renovated in a two-year construction project from 1998-2000. Facilities available for use by criminal justice agencies include:

- A modern cafeteria which can accommodate 160 students
- Eleven classrooms providing space for up to 300 students
- Dormitory buildings with a capacity for 130 students
- A 19,000 square foot indoor training center with a .12 mile running track
- A fully equipped weight room
- Land area of more than 65 acres
- Outdoor recreation, instructional area and the Jeffrey S. Parola Obstacle Course

The MCJA possesses the capability to provide instructional staff and criminal justice agency personnel with multi-media instructional equipment and materials.



**Maine Criminal Justice Academy**  
**15 Oak Grove Road**  
**Vassalboro, ME 04989**  
**(207) 877-8000**

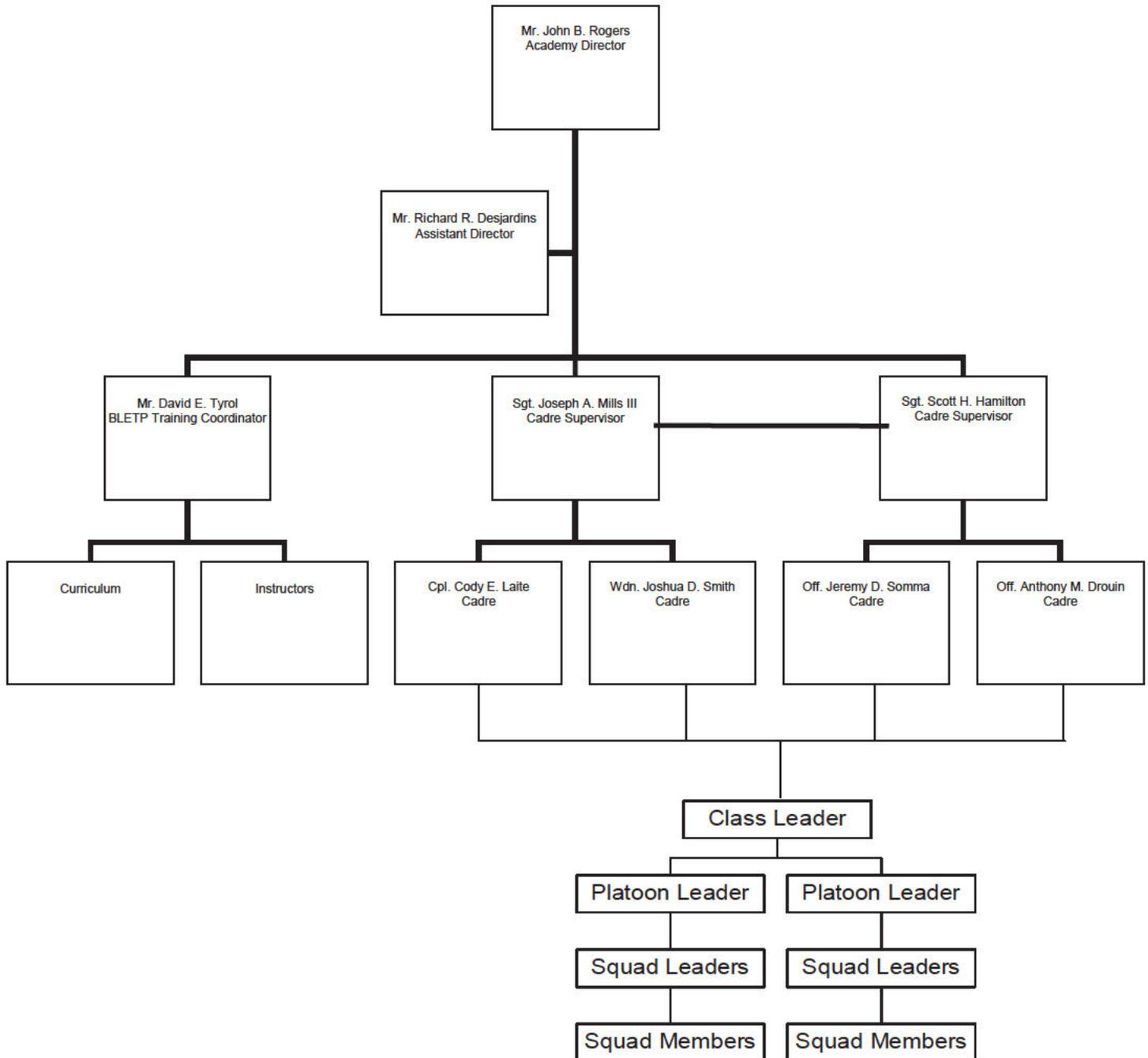
← To Waterville      Route 201      To Augusta →

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## ORGANIZATIONAL STRUCTURE

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**Procedure:** Cadets will utilize the direct Academy Chain of Command on all occasions, except for emergencies. The reason for a conference with someone within the chain of command shall be stated unless it is a personal matter. If a Cadet desires to see someone outside of the assigned chain of command for a personal matter, the Cadet must use the assigned Chain of Command before consulting with another person.



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## STAFF RESUMES

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**NAME:** Mr. John B. Rogers, Director, Maine Criminal Justice Academy.

**EDUCATION:** University of Maine – Masters in Public Administration, 1992; University of Southern Maine – Bachelor of Science in Vocational Technology, 1988; University of Maine – Associates of Science in Law Enforcement, 1976; Schenck High School, 1974.

**TRAINING:** Selected Highlights: Maine Criminal Justice Academy – 30<sup>th</sup> MCBPS, May 1978; Police Supervision, 1983; Mid-management Development, 1991; Field Training Officer, 1993; Police Leadership Training Seminar, 1994; Executive Development, 1994; Managing Police Discipline, 1996; CALEA Assessor Training, 2000; and Numerous Other In-service Training Hours.

**EXPERIENCE:** Patrol Officer, Orono PD, 1977-1982; Sergeant, Orono PD, 1982-1993; Chief of Police, Farmington PD 1993-1998; Assistant to the Commissioner, Maine DPS 1998-2001; Deputy Commissioner, Maine DPS, 2001-2003; Director, Maine Criminal Justice Academy, 2003-present; Instructor, University of Maine at Augusta, 2002; Instructor, University of Maine at Orono, 1998-2012; Instructor, Husson University, 2001 and Police Agency Assessor, Commission on Accreditation for Law Enforcement Agencies, Inc. 1999-2003, MCJA Certified Instructor 2008-present, MCJA Certified Physical Fitness Tester, 2011-present and Certified Instructor for Leadership in Police Organizations from the IACP, 2014-present.

**MEMBERSHIPS:** International Association of Chiefs of Police (IACP) 1993-present; Maine Chiefs of Police Association (MCOPA), 1993-present; Sexual Assault Victims Emergency Services Board Member, 1993-1999 (Chairman, 1998-1999); Maine Criminal Justice Commission, 2003-2009; MCOPA District III Representative 1994-1996; MCOPA Policy Committee, 1994-2015, (Chairman, 1995-2015); MCOPA Evaluation Committee, 1996-1997; Franklin Memorial Hospital, HCC - Board Member, 1996-1998; Maine Governor's Children's Cabinet, 1998-2003; Justice Assistance Council, 2003 – present; Maine License Plate Committee, 1997-1999; Maine Veterans License Plate Committee, 2000-2001; Bias-Based Profiling Task Force 2009-2011; International Asso. of Directors of Law Enforcement Standards and Training 2003-present and PAA, National Honor Society for Public Administrators.

**SPECIAL AWARDS:** MCJA Law Enforcement Intermediate Training Certificate, 1983; MCJA Law Enforcement Advanced Training Certificate, 1992; Executive Police Chiefs Certificate, 1994; Public Employees Roundtable Scholarship Award, 1991; President's Award - MCOPA, 2000 and 2010; President's Award – Maine Polygraphs Association, 2003; NAMI of Maine, 2015 Mental Health Innovation Recognition Award; MCOPA, 2016 Outstanding Contribution to Law Enforcement; BSA - Rank Attained, Eagle Scout.

**PUBLICATIONS:** “Partnering for Progress: Maine Law Enforcement Online Training Initiative,” The Police Chief, November 2009  
“Reengineering the Delivery of Correctional Services” The Correctional Trainer – IACTP, Spring 2013  
“No Excuses Supervision: Role Changes to Reflect 21<sup>st</sup> Century Demands,” Book Published by Amazon, November 2013

**NAME:** **Mr. Richard R. Desjardins**, Assistant Director, Maine Criminal Justice Academy.

**EDUCATION:** University of Maine - Bachelor of Science, Administration of Justice, 2006; Southern Maine Community College - Associates Degree, Law Enforcement Technology, 1997; Brunswick High School, 1981.

**TRAINING:** Selected Highlights: Maine Criminal Justice Academy- 54<sup>th</sup> MCBPS, 1986; Standardized Field Sobriety Instructor, 1989; Juvenile Case Worker, 1991; Drug Recognition Expert Instructor, 1992; Police Physical Fitness Instructor, 1993; D.A.R.E Officer training, 1994; MCJA Intoxilyzer Instructor, 1996; Field Training Officer, 1997; MCJA Advanced Methods of Instruction , 1998; IACP Drug Impairment Training for the Educational Professional, 1997; FBI National Academy, 2003; Executive Leadership, 2002; F.E.M.A Incident Command/Weapons of Mass Destruction/Biological-Chemical Response training, Anniston Alabama, 2005; Managing in State Government, 2009; Maine Leadership Institute, 2009; and Numerous other in-service trainings.

**EXPERIENCE:** Patrol Officer, Brunswick Police Department, 1986-1989; Detective, 1989-1991; Corporal, 1991-1993; Sergeant, 1993-1996; U.S. Navy Reserves, Master At Arms, 1992-1998; John Hopkins/IACP, Drug Study, 1995; Lieutenant, 1996-2001; Special Response Team Commander, 2001-2008; Brunswick PD Special Response Team, 1990-1998; Developed Web Site, Maine Most Wanted.com, 2004; Patrol Commander/Deputy Chief, 2001-2008; (Retired from Brunswick Police Department) Investigator, Bureau of Motor Vehicles, 2008-2009; Director of Public Services, Bureau of Motor Vehicle, 2009-2014; Assistant Director, Maine Criminal Justice Academy, 2014-present.

**COMMITTEES:** Mid-coast Domestic Violence Task Force, 1994-2000; Maine Transportation Safety Coalition, 2001-2008; Educational Board, Mid-coast Hospital, 2001-2008; Governor’s Appointment, Maine Organ Donor Advisory Board, 2012-2014; Vice President of the Maine Chapter, FBINAA, 2004-2009; FBI National Academy Associates, 2003-present.

**SPECIAL AWARDS:** Numerous Brunswick Police Department awards and commendations including, Alexander Reed Homicide Investigation; Frost Homicide Investigation; Great State of Maine Air Show Security Coordinator.

**PUBLICATION:** Article, Maine Most Wanted.com publication, 2004.

**NAME:** **Mr. David E. Tyrol**, BLETP Training Coordinator, MCJA Staff.

**EDUCATION:** Erskine Academy, 1999, South China, Maine, BS in Justice Studies with a Concentration in Sociology, University of Maine, 2014;

**TRAINING:** Selected Highlights: M.C.J.A 9<sup>th</sup> Basic Law Enforcement Training Program, 2005; Methods of Instruction, 2006; Federal Air Marshals Flying While Armed Training, 2006; Crisis Intervention Team Training, 2006; MCJA Basic Corrections, 2007; Institute for the Prevention of Sudden In-Custody Deaths Instructor, 2007; FTO Program Development Training 2008; Fred Pryor Seminars, “Coaching for Managers and Supervisors”, 2008; Diver’s Alert Network Training, “Diving First Aid for Professional Divers”, 2008; Cooper Institute - Law Enforcement Fitness Specialist, 2012; and Numerous SCUBA diving certifications.

**EXPERIENCE:** Part-time Patrol Deputy – Kennebec County Sheriff’s Office; Full-time Patrol Deputy - Kennebec County Sheriff’s Office, 2004-2009; Special Response Team member - Kennebec County Sheriff’s Office, 2005-2009; Dive Team Member - Kennebec County Sheriff’s Office, 2006-2009; Training and Safety Coordinator, 2007-2009; Part-time Officer Winslow Police Department, 2010-2012; Part-time Officer Livermore Falls Police Department 2014-present; MCJA Training Staff, 2009-present; MCJA BLETP Training Coordinator 2015- present. MCJA Certified Instructor, 2007-present; MCJA Certified PT Tester and Instructor, 2012-present; MCJA Mechanics of Arrest Restraint and Control (MARC) Instructor, 2013-present; and Electronic Speed Measurement Device (ESMD) Instructor, 2014-present.

**MEMBERSHIPS:** Department of Inland, Fisheries and Wildlife ATV Enforcement Grant Committee, 2009-present; MCJA Corrections Advisory and Curriculum Committee, 2009-2014, IADLEST Member, 2015-present.

**SPECIAL AWARDS:** Several citizen recognitions letters, 2005-2007; Maine Criminal Justice Academy Commendation, for Instructor Professionalism ,2008; MCJA Recognition for BLETP Assistance, 2011; MCJA Commendation for Work in Curriculum Development 2014; and the Maine Department of Public Safety Employee of the Year Nomination, 2014.

**NAME:** **Sergeant Joseph A. Mills III**, Cadre Supervisor, Maine State Police, Training Unit.

**EDUCATION:** Hall-Dale High School, Farmingdale, Me.; attended University of Maine, Augusta.

**TRAINING:** Selected Highlights: Maine State Police 42<sup>nd</sup> Training Academy, 1989; Northwestern University Supervisor Development, 1998; NESPAC NCO School, 2001; Methods of Instruction, 2002; NESPAC Basic Tactical Team School, 2004; NESPAC Advanced Tactical Team School, 2004; NESPAC Basic Sniper School, 2005; HAZMAT-Technician Level, 2004; Leadership and Mastering Performance, 2013 and Cadre Leadership Development, 2007.

**EXPERIENCE:** United States Army, Military Police, 1985-1988; United States Army Military Police Canine Unit, 1987-1988; Trooper Maine State Police Troop C, 1989–1999, Maine State Police Patrol Canine Handler, 1992-1997; Maine State Police Field Training Officer; Trooper, Troop G, 1999-2005; Corporal, Troop G, 2003-2005; Sergeant, Troop A, 2005–2006; Sergeant, Troop B, 2006-2012; State Police Training Unit, 2012-present; Maine State Police Tactical Team, 2003-2010; MCJA Certified PFT Tester, 2012-present; MCJA Certified Instructor 2016-present, MCJA Law Enforcement Intermediate Training Certificate, 2015; Cadre Sergeant for the 57<sup>th</sup> Maine State Police RTT and Cadre Supervisor for the 12<sup>th</sup> and the 21<sup>st</sup> to the 30<sup>th</sup> Basic Law Enforcement Training Program (11 BLETP’s).

**SPECIAL AWARDS:** 2007 Maine State Police Bravery Award, the 2007 South Portland Police Department Meritorious Service Award and the 2007 Maine State Police Tactical Team Trooper Jeffrey S. Parola Award.

**NAME:** **Sergeant Scott H. Hamilton**, Cadre Supervisor Maine State Police, Troop E

**EDUCATION:** John Bapst Memorial High School, Bangor, ME. 1986; attended the University of Maine, Presque Isle.

**TRAINING:** Selected Highlights: 75<sup>th</sup> Municipal / County Basic Police School, 1993; 45<sup>th</sup> Maine State Police Training Troop, 1997; MCJA FTO School, 1999; Defensive Tactics Instructor Course, 2000; ASP Instructor Course, 1999; MCJA Methods of Instruction Course, 2000; 88<sup>th</sup> NESPAC NCO Academy 2003; NESPAC Basic Tactical School, 2001; NESPAC Advanced Tactical School, 2000; NESPAC Breaching School, 2001; NESPAC Basic Sniper School 2004; FLIR Training; L.S.U Tact Ops. In a WMD Environment, 2003; Advanced Taser Instructor Course, 2006; N.T.O.A Response to an Active Shooter Instructor Certification, 2004; “Preventing School Attacks” Course, 2004, HAZMAT Technician Level Certification, 2004; U.S. Coast Guard Maritime Tactical Operations Course, 2005; Caliber Press Street Survival Course 2003; Action Target Academy, 2005; In-Custody Deaths 2007; Chemical Agent-Grenadier Training, 2004, National Summit on Use of Force in Law Enforcement, 2007 and Cadre Leadership Development, 2013.

**EXPERIENCE:** Patrol Officer, Bar Harbor Police Department, 1992-1993; Patrol Officer, Ellsworth Police Department, 1992-1997; Trooper, Maine State Police-Troop E, 1997-2010, Sergeant, Maine State Police-Troop E 2010 -present; Field Training Officer 2000- 2005; NESPAC Tactical School Instructor, 2002-present; Response to an Active Shooter Instructor, 2001-present; Response to a Critical Incident Instructor, 2002-present; MCJA Interactive Use of Force Instructor, 2003-present; Lead MCJA MARC Instructor, 2000-present; Primary Defensive Tactics Instructor, Maine State Police, 2001-present; Primary ASP Instructor, Maine State Police, 2001-present; Maine State Police Tactical Team 2000-present; Assistant Commander, Maine State Police Tactical Team, 2009-present; Cadre 57<sup>th</sup>-59<sup>th</sup> and the 65<sup>th</sup> and 66<sup>th</sup> Maine State Police Recruit Training Troop, Cadre 3<sup>rd</sup> and 4<sup>th</sup> Basic Law Enforcement Training Program and Cadre Supervisor for the 24<sup>th</sup> and 25<sup>th</sup> Basic Law Enforcement Training Program. (4 BLETP’s)

**SPECIAL AWARDS:** 2007 Maine State Police Bravery Award and the 2007 Maine State Police Meritorious Service Award.

**NAME:** **Corporal Cody E. Laite**, Cadre, Waldo County Sheriff’s Office

**EDUCATION:** Camden Hills Regional High School, Rockport, Maine 2007; AS Degree in Criminal Justice from Beal College, Bangor, Maine 2010.

**TRAINING:** Selected Highlights: Taser Instructor Certification, 2012; MCJA Mechanics of Arrest, Restraint, and Control Instructor, 2013; Advanced Roadside Impaired Driving Education, 2013; Rape Aggression Defense System Instructor, 2013; Crisis Intervention Training Officer, 2013; Maine Drug Enforcement Agency’s New Drug Agent School, 2013; Police Officer Training Course, 2014; Maine Crash Reconstruction Program, 2014; Forensic Mapping Program, 2015; MCJA Law Enforcement Intermediate Certificate, 2016 and Cadre Supervisory Development, 2016.

EXPERIENCE: Camden Police Department, 2010-2012. Waldo County Sheriff's Office, 2012-2015, Deputy; Waldo County Sheriff's Office, promoted to Corporal 2016; Defensive Tactics Instructor, 2013 to present, Crisis Intervention Officer, 2013 to present, Police Training Officer, 2014 to present, Crash Reconstructionist and Forensic Mapper, 2014 to present and Cadre for the 30<sup>th</sup> Basic Law Enforcement Training Program.

SPECIAL AWARDS: Valedictorian of Beal College, 2010 and Vice President of the 20<sup>th</sup> Basic Law Enforcement Training Program, 2011.

NAME: **Game Warden Joshua D. Smith**, Cadre, Maine Warden Service, District 12

EDUCATION: Edward Little High School, Auburn, Maine 1998; Unity College, Unity, Maine 2002; B.S. Degree in Environmental Science with an emphasis in Conservation Law Enforcement.

TRAINING: Selected Highlights: 7<sup>th</sup> Basic Law Enforcement Training Program, 2004; Maine Warden Service Advanced Warden School, 2006; Forensic Mapping Program, 2010; Boating Under the Influence SFST Seated Battery Officer Transition Training, 2012; Level I Comprehensive National Boating and Accident Investigation and Analysis (NSABLA course), 2009; Level II Advanced National Boating Accident Investigation, Reconstruction and Analysis (NASBLA course) 2014; Cadre Supervisory Development, 2016.

EXPERIENCE: Mechanic Falls Police Department, 2003-2006, Maine Warden Service 2006 to present, Worked as Primary Investigator on Hunting Related Fatality in Sebago, 2011, Served as Cadre for 2012 Advanced Warden School and Lead Cadre for 2013 Advanced Warden School, Served on Warden Service hiring process oral boards in the fall of 2013, Worked as Primary Investigator on Major Boat Crash on Thompson Lake, 2015, Boat Crash Reconstructionist and Forensic Mapper, 2010 to present.

SPECIAL AWARDS: Recipient of the 2012 Maine Warden Service Meritorious Service Award and 2012 National Wild Turkey Federation Officer of the Year Award for Maine.

NAME: **Officer Jeremy D. Somma**, Cadre, Lewiston Police Department

EDUCATION: Deering High School, Portland, Maine, 1998.

TRAINING: Selected Highlights: United States Marine Corps Recruit Training, 1998; USMC School of Infantry, 1998; USMC/USN Air Traffic Control School, 1998/1999; 6<sup>th</sup> Basic Law Enforcement Training Program (BLETP), 2004; At-Scene Traffic Crash/Traffic Homicide Investigation, 2007; Advanced Traffic Investigation, 2007; Traffic Crash Reconstruction, 2007; Advanced Motorcycle Reconstruction, 2007; Traffic Crash Reconstruction Update, 2008; Crash/Crime Scene Forensic Mapping, 2010; Methods of Instruction (MOI), 2010; NESPIN Crime Scene Investigation, 2013 and Cadre Leadership Development, 2012.

**EXPERIENCE:** United States Marine Corps, 1998-2003; Operation Enduring Freedom, 2001-2002; Lewiston Police Department, 2004-present, Officer; MCJA Certified Traffic Reconstruction Specialist, 2007-present; Forensic Mapping Specialist, 2010-present, MCJA Certified PFT Tester, 2012-present; Field Training Officer, 2010-present, MCJA Law Enforcement Intermediate Training Certificate, 2015; and Cadre for the 22<sup>nd</sup> -26<sup>th</sup> and the 28<sup>th</sup> -30<sup>th</sup> Basic Law Enforcement Training Program (8 BLETP's).

**SPECIAL AWARDS:** Recipient of the 2006 Maine Association of Police Lifesaving Award and the 2007 Maine Association of Police Meritorious Service Award and certified as a Reconstructionist from the Accreditation Commission for Traffic Crash Reconstruction (ACTAR) in 2012.

**NAME:** **Officer Anthony M. Drouin**, Cadre, Augusta Police Department

**EDUCATION:** Leavitt Area High School, 2007; Associates Degree in Criminal Justice from the University of Maine at Fort Kent, Maine 2009; Bachelor of Science Degree in Public Safety Administration from the University of Maine at Fort Kent, Maine 2011.

**TRAINING:** Selected Highlights: Graduate of the 21<sup>st</sup> Basic Law Enforcement Training Program, 2011; Crisis Intervention Officer, 2011, Social Networking for Law Enforcement, 2012; Augmented Reality Training, 2013; Standardized Field Sobriety Instructor Training, 2014; Interview and Interrogation, 2014; Police Training Officer, 2014; Drug Recognition Expert, 2015; Reid School of Interrogation, 2016 and Cadre Leadership Development, 2016.

**EXPERIENCE:** Part-time Officer - Ashland Police Department, 2010-2011; Officer - Augusta Police Department 2011 to present; Standardized Field Sobriety Instructor, 2014 to present; Crisis Intervention Officer, 2011 to present; Police Training Officer, 2014 to present;, and Drug Recognition Expert, 2015 to present.

**SPECIAL AWARDS:** Recipient of the 2016 Augusta Police Department Lifesaving Award.

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# BASIC LAW ENFORCEMENT TRAINING PROGRAM

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## Specification S-1

The following requirements are specified for the certification of Basic Law Enforcement Training Program graduates. The Director, with the approval of the Board of Trustees, sets standards for successful completion. If a student fails to meet any of the requirements described below, the student and the student's agency may petition the Board for a waiver or modification of the requirements in question.

### Requirements:

1. As a requirement for the successful completion of the Basic Law Enforcement Training Program (BLETP), each student must attend all sessions of the school, except absences approved by the BLETP Training Coordinator. No student will be certified when his or her absences exceed ten 10% of the prescribed curriculum, except if a student has successfully completed at least 14 weeks of the 18 week session, passed all requirements at that point and has left the session for other than a voluntary reason. The student and the student's agency may petition the Director to complete the remainder of the unfinished session in the next available session of the BLETP. The BLETP curriculum approved by the Board is 720 hours.
2. As a requirement for the successful completion of the Basic Law Enforcement Training Program, each student shall successfully pass all weekly and major academic exams with a minimum score of at least 75% and shall achieve a minimum cumulative academic average of 75% or greater. If a student fails an exam, no more than two make-up exams will be offered.
3. As a requirement for the successful completion of the Basic Law Enforcement Training Program (BLETP), each student shall achieve a passing professional score of 80% or greater at the conclusion of the program. This score is a reflection of the Professional Value System, as outlined in the BLETP Cadet Orientation and Curriculum Guide.
4. As a requirement for the successful completion of the Basic Law Enforcement Training Program (BLETP), each student shall demonstrate competency and safety in the handling of his or her service weapons. Each student shall achieve at minimum, proficiency over a course of fire approved by the Director. This score is a reflection of the Firearms Course, as outlined in the BLETP Cadet Orientation and Curriculum Guide. The proficiency standard is 80%.
5. As a requirement for the successful completion of the Basic Law Enforcement Training Program (BLETP), each student shall demonstrate proficiency in the Emergency Vehicle Operations Course (EVOC), by successfully completing a program approved by the Board. This score is a reflection of the Emergency Vehicle Operations Course, as outlined in the BLETP Cadet Orientation and Curriculum Guide. The proficiency standard is 70%.
6. As a requirement for the successful completion of the Basic Law Enforcement Training Program (BLETP), each student shall demonstrate proficiency in the Mechanics of Arrest, Restraint and Control (MARC) Course by successfully completing a program approved by the Board. The student must pass a MARC scenario at the end of the program, which counts for 20% of the final grade. If a student fails the MARC scenario, no more than two make-up scenarios will be offered. This total score is a reflection of the MARC Course, as outlined in the BLETP Cadet Orientation and Curriculum Guide. The proficiency standard is 80%.

7. As a requirement for the successful completion of the Basic Law Enforcement Training Program, each student shall fully participate in all aspects of firearms and MARC training. Each student must also attend at least 75% of these skills training, notwithstanding the requirement outlined in Requirement 1 above.
8. As a requirement for the successful completion of the Basic Law Enforcement Training Program, each student shall meet the physical fitness exit standard at the 50<sup>th</sup> percentile according to age and gender normed standards, as approved by the Board.
9. As a requirement for the successful completion of the Basic Law Enforcement Training Program (BLETP), each student shall successfully take and pass the certification exam, which is administered at the end of the course, with a minimum score of 75%.
10. Tuition Cadets who have successfully completed all of the above listed requirements will receive a Certificate of Completion of the Basic Law Enforcement Training Program. Upon the Academy's receipt of the Notice of Employment form indicating that a tuition Cadet has been hired as a full time law enforcement officer by a law enforcement agency, the tuition Cadet will receive a Certificate of Eligibility to act as a law enforcement officer in the State of Maine.

Adopted: 06/18/2004  
Revised: 01/11/2013



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John B. Rogers, Director  
Maine Criminal Justice Academy



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Amy J. Berry, Chair  
MCJA Board of Trustees

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## BLETP CORE VALUES

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### P. R. I. D. E.

- P. Professionalism:** Being a professional both on duty and off duty, 24/7, representing not only your agency, but also your vocation and community.
- R. Respect:** Law enforcement cannot survive without the respect of the community. You must also have respect for yourself and your peers. Respect for your agency gives the community a sense of safety and security.
- I. Integrity:** Without a high degree of integrity, a law enforcement officer becomes ineffective. The public must trust their law enforcement officials and trust that what they say is true. Integrity is the foundation of both law enforcement and the Academy.
- D. Dedication:** Being dedicated to serving the community, dedicated to your agency. Being a representative of law enforcement at all times.
- E. Excellence:** In all that you do, giving 100% while working, and continuing with education to improve yourself.

**MAINE CRIMINAL JUSTICE ACADEMY**  
**BASIC LAW ENFORCEMENT TRAINING PROGRAM**  
**Cadet Disciplinary Code**

**PREAMBLE**

The Maine Criminal Justice Academy Cadet Disciplinary Code (the “Code”) is designed to promote the orderly and efficient training of professional law enforcement officers who receive training under the auspices of the Academy. The Code is promulgated to assure the safety of persons undergoing training, to protect the peaceful exchange of ideas, and to promote professionalism and orderliness consistent with good law enforcement and an efficient criminal justice system.

**ARTICLE I**

**Purposes**

**SECTION 1** 25 M.R.S.A. § 2803-A authorizes the Board of Trustees of the Maine Criminal Justice Academy (the “Board”) to establish training and certification standards for all law enforcement officers, set requirements for board-approved courses, and prescribe curriculum and certify graduates of board-approved courses.

**SECTION 2** The Board concludes that the foregoing statutory provision authorizes the Board to establish standards of Cadet conduct and the procedure for enforcing such standards.

**SECTION 3** It is the purpose of this Code to promulgate standards of Cadet conduct and the procedure for enforcing such standards, to be known as the “Cadet Disciplinary Code” of the Maine Criminal Justice Academy.

**SECTION 4** This Code shall apply to all Cadets attending the Basic Law Enforcement Training Program approved by the Board in accordance with 25 M.R.S.A. § 2804-C (“BLETP”).

**SECTION 5** The fact that the Academy may take disciplinary action is not intended to affect or influence the ability of the Cadet’s employer or any appropriate civil or law enforcement authority to take disciplinary or enforcement action. The Cadet remains subject to prosecution for violation of any applicable laws.

**ARTICLE II**

**Sanctions**

**SECTION 1 General.** No Cadet may be dismissed or suspended for disciplinary reasons except in accordance with the provisions of this Code. The following sanctions may be imposed for violation of the Academy Standards of Conduct, which are set forth in Article III of this Code.

**SECTION 2 Extra Details or Project and Denial of Privileges.** Minor infractions of the Rules and Regulations of the Academy, Standards of Conduct of this Code, directives, and staff orders may result in extra details or project and/or denial of privileges. Such a sanction may be imposed in conjunction with written or oral reprimands.

**SECTION 3 Oral Reprimand.** A Cadet may receive an oral reprimand pursuant to the procedure outlined in Article IV for violation of the Standards of Conduct.

**SECTION 4 Written Reprimand.** A Cadet may receive a written reprimand pursuant to the procedure outlined in Article IV for violation of the Standards of Conduct.

**SECTION 5 Suspension.** A Cadet suspended from the Academy shall leave the premises of the Academy and shall not participate in any activity conducted under the auspices of the Academy, except such activities as are open to the general public, and shall not have any privileges of a Cadet. For purposes of the application of this Code, however, he or she shall be regarded as a Cadet, though suspended. At the expiration of the period of suspension, either at the point in time of the course from which he or she was suspended or the beginning of the next basic training course as determined by the Academy Director on the application of such Cadet, he or she shall be automatically reinstated as a Cadet in good disciplinary standing provided he or she has not been found, in the meantime, to have further violated the Standards of Conduct of this Code.

**SECTION 6 Dismissal.** A Cadet dismissed from the Academy shall leave the premises of the Academy and shall no longer be a Cadet of the Academy. In order to become a Cadet again, a person must submit a new application for admission.

## ARTICLE III

### Standards Of Conduct

**SECTION 1 General.** Conduct engendering public respect and self-esteem is an essential quality for an effective law enforcement officer. Cadets are expected to practice and demonstrate such conduct to a high degree while enrolled in an Academy training program. Compliance by all Cadets with the Standards of Conduct will enhance this quality. Such compliance is required and any violation will be the subject of appropriate disciplinary action, up to and including dismissal from the BLETP.

**SECTION 2 Criminal Misconduct.** Violation of any criminal law at any time or place is deemed a very serious breach of the Standards of Conduct of this Code. Any Cadet in the BLETP against whom criminal charges have been filed in court may be suspended pursuant to Article IV by the Academy Director from further attendance in or at an Academy program pending resolution of the criminal charge. Conviction of a criminal offense will result in appropriate disciplinary action, and may result in dismissal of the Cadet.

**SECTION 3 Honor Code Violations.** The Honor Code is a statement of essential standards of integrity to which every Cadet should aspire. The Honor Code is set forth in the Basic Law Enforcement Training Program Cadet Orientation and Curriculum Guide. Honor Code violations will result in appropriate disciplinary sanctions, and may result in dismissal.

**SECTION 4 Failure to Comply with Directives.** Cadets must obey all Academy directives applicable to the BLETP. Directives are identified in the BLETP Cadet Orientation and Curriculum Guide. Additional directives may be presented and explained by the staff. Failure to comply with directives will result in appropriate disciplinary sanctions, and may result in dismissal.

**SECTION 5 Unprofessional Conduct.** Cadets enrolled in the BLETP are expected to conduct themselves professionally. Harassment of any person, hazing, profanity, discourtesy, coarse manners, rudeness, impoliteness, and the like are unprofessional conduct for law enforcement officers and members of the criminal justice system. Unprofessional conduct will result in appropriate disciplinary sanctions, and may result in dismissal.

**SECTION 6 Sexual Harassment and Discrimination.** Sexual harassment and discrimination based on race, color, sex, religion, age, national origin, sexual orientation, or disability are prohibited. Any form of sexual harassment or discrimination will not be tolerated at the Academy.

Examples of prohibited harassment and discrimination include but are not limited to:

- A. Unwelcome sexual advances or contact, gestures, suggestive or lewd remarks;
- B. Verbal abuse such as offensive racial, ethnic, or sexual threats or comments, physical overtures, or any type of pressure to engage in sexual activity;
- C. Offensive jokes; and
- D. Ridicule, slurs, derogatory action or remarks.

Cadets may report incidents of discrimination or harassment to any member of the Academy or BLETP staff or the Department of Public Safety's Personnel Officer located at 45 Commerce Drive, Suite 1, Augusta, Maine 04333-0104 or by telephone at 626-3814. Discrimination against or harassment of any person will result in appropriate disciplinary sanctions, and may result in dismissal.

**SECTION 7 Application of Sanctions to Standards of Conduct.** The specification of a possible sanction under each of the Standards of Conduct is not intended to be exclusive; the range of sanctions remains available. Each case will be considered individually, with due regard given the nature of the violation and the history of the Cadet.

## ARTICLE IV

### Procedures

**SECTION 1 General.** Any person may report a Cadet for a violation of the Standards of Conduct to the BLETP Cadre or any member of the BLETP Academy staff. Minor violations may be addressed by oral or written reprimands. More serious and repeated violations may result in suspension or dismissal. The Disciplinary Officer referred to in this Code shall be appointed by the Academy Director.

**SECTION 2 Oral Reprimand.** Disciplinary action in the form of an oral reprimand by the Cadre is final and may be recorded.

**SECTION 3 Written Reprimand.**

- A. The Cadre Supervisor may issue a written reprimand, which shall include a notation of the nature, time, place and sanction imposed, if any, in addition to the written reprimand. The original will be given to the Cadet, and a copy to the Disciplinary Officer for entry in the Cadet's record. A copy of the written reprimand will also be given to the Academy Director, who will notify and provide a copy of the written reprimand to the employing agency.

- B. The Cadet may appeal this action by submitting a written request to the Cadet Disciplinary Officer within twenty-four (24) hours after receiving such reprimand.
- C. Within three (3) working days after receiving the requested appeal, the Cadet Disciplinary Officer shall hold an informal hearing on this appeal, attended by the reprimanded Cadet, the person issuing the reprimand, and any witnesses desired by the Cadet or issuing authority.
- D. Upon conclusion of this informal hearing, the Cadet Disciplinary Officer shall notify the Cadet of his or her decision, which shall be final and noted in the Cadet's record.

#### **SECTION 4 Suspension or Dismissal.**

- A. Preliminary Investigation and Recommendation for Hearing. Upon receipt of information from the Cadre Supervisor that a Cadet may have committed a violation of the Standards of Conduct of this Code that could result in suspension or dismissal, the Cadet Disciplinary Officer shall immediately review the Cadre Supervisor's report and conduct or cause to be conducted an investigation of the matter. If satisfied that there is reasonable cause for dismissal of the Cadet, the Cadet Disciplinary Officer will submit a written report of the investigation specifying the nature, time and place of each violation alleged and the names of witnesses accompanied by all or any written statements and exhibits of such offense to the Academy Director with a recommendation, which may include a recommendation that the Cadet be dismissed. The Academy Director shall notify the employing agency.
- B. Action by the Academy Director. If the Academy Director concludes that no violation has occurred, he or she may dismiss the matter. If the Academy Director concludes that the alleged violation is not sufficiently serious to warrant dismissal, he or she may refer the matter to the Cadet Disciplinary Officer for lesser disciplinary action. If the recommendation is that the Cadet be dismissed and the Academy Director concurs with the recommendation, the Director will notify the Chair of the Board of Trustees. In the meantime, the Academy Director may, for good cause, suspend the Cadet pending an opportunity for a hearing based on such considerations as health and safety of the accused cadet, other cadets, and/or staff, and the need to conduct training without disruption.
- C. Hearing. If the Academy Director concurs with the recommendation to dismiss the Cadet, the Director shall inform the Cadet of the Cadet's opportunity for a hearing before a panel of the Board of Trustees. If the Cadet requests a hearing, the Director shall notify the Chair of the Board who, in turn, will appoint three (3) members of the Board to serve as a hearing panel to determine if the Cadet shall be dismissed. The Academy Director shall provide the accused Cadet with a written statement of the charges and the time and place of the hearing at least 48 hours prior to the time of such hearing. The panel shall conduct the hearing in accordance with the Maine Administrative Procedure Act and applicable Department of Public Safety Rules regarding administrative hearings.

- D. Decision after Hearing. The hearing panel shall issue a written decision after the conclusion of the hearing. The decision shall include findings of fact sufficient to advise the Cadet of the basis for the decision, shall be mailed or provided in hand to the Cadet, and shall apprise the Cadet of the right of appeal pursuant to 5 M.R.S.A. § 11001.

**SECTION 5 Attendance at the Academy Subsequent to Dismissal or Suspension.** A person who was dismissed or a person unable to complete a course due to a suspension may apply for admission to a subsequent session of the Basic Law Enforcement Training Program or other Academy course, provided that the person include in any application material a statement disclosing the date and nature of the prior violation and the sanction imposed. Prior disciplinary action may provide grounds for denial of admission, and will be considered to the extent permitted by law. The Academy Director shall cause notification in writing of any person denied admission to an Academy program under this section. The notification shall reflect the reasoning for denial in a manner sufficient to inform the applicant of the basis for the decision.

**SECTION 6 Appeal of Denial of Admission.** An applicant who has been denied admission based all or in part on disciplinary action imposed while the applicant was previously enrolled at or attending the Academy may appeal such decision to the Board of Trustees by delivering a written notice of appeal to the Academy Director no later than ten (10) working days after receipt of written notice of the decision denying admission. The notice of appeal should include a copy of the written decision of the Academy Director and a complete statement of the reasons applicant disagrees with the decision of the Director.

- A. Within two (2) working days of receipt of a copy of the written notice of appeal, the Academy Director shall transmit to the Chair of the Board of Trustees a copy of the written decision, copies of any evidence relied on, the notice of appeal, and any materials submitted by the applicant in support of the appeal. The Chair of the Board of Trustees shall appoint three (3) members of the Board to serve as a panel to hear the appeal.
- B. Within thirty (30) working days of receipt of the materials transmitted by the Academy Director to the Chair of the Board of Trustees, the panel shall review the materials and issue a written decision. The panel may affirm the decision of the Academy Director, remand to the Director for additional findings of fact, or vacate the findings of the Director and grant admission to the applicant. The decision shall reflect the panel's reasoning and advise the applicant of any right of appeal.

Moved by: Mr. Wes Andrenyak  
Seconded by: Chief Brad Paul  
Voted Unanimously by the Board of Trustees  
Date: 01/09/2009

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## COMPUTER USE RULES AND PROCEDURES

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1 **All persons using computers will follow the following rules.** Failure to follow these rules will  
2 result in denial of computer privileges for you and may result in the restriction of access to a  
3 computer. *No student may use a computer until he or she has read the Academy policy on*  
4 *computer use and signs this form agreeing to all of the terms of use.*

### Students Shall:

- 5 • **Not use their own software programs on any Academy computer.** Software will only be  
6 loaded on the computer with the permission of the Assistant Academy Director in  
7 consultation with the State's OIT personnel.
- 8 • Use their own temporary data storage devices, formatted for an IBM PC compatible if you  
9 wish to save files. *No files will be saved to any Academy computer's hard drive.*
- 10 • Not make any alteration of system settings or configurations including the setting of  
11 "wallpaper or screen savers" of MCJA computers.
- 12 • Read and sign this form stating they understand and agree to the Academy's computer rules  
13 and procedures and submit as directed.

### Internet Use:

14 The Internet is a valuable academic tool, which can provide helpful information to students.  
15 Unfortunately, the Internet can also be misused.

### Students wishing to use the Internet must:

- 16 • Not violate any law by actions such as use of an unauthorized password, or the violation of  
17 software agreements such as downloading or copying copyright protected material or by  
18 violating another person's privacy
- 19 • Not load any personal software on any Academy computer.
- 20 • Not leave recorded addresses (bookmarks, etc.) on any Academy computer.
- 21 • Not tamper with any Academy computers, system or settings. This includes downloading  
22 programs from the internet.
- 23 • Not participate in "Chat Lines" or "Chat Rooms".
- 24 • Not intentionally expose other individuals to materials, which they find unacceptable. If a  
25 website might have any questionable material, the Cadet must seek permission from a  
26 BLETP staff member prior to accessing the website .

27 Unless authorized by a BLETP Staff member, computers will not be allowed for personal use by the  
28 Cadets. Computers will be allowed for training and instructional purpose only. For example: No  
29 personal photos, messages, correspondence, email or text messaging or internet use will be allowed,  
30 unless authorized by a BLETP staff member prior to the use. This is to include, but not limited to  
31 Face Book, You-tube, email, etc.

32 **The student is responsible for all their actions involving their use of the Internet.** Examples of  
33 prohibited unacceptable conduct include, but are not limited to the following:

- 34 • Accessing materials or communications that are:
  - 35 a. Damaging to another's reputation.
  - 36 b. Abusive.

- 37 c. Obscene.
- 38 d. Sexually oriented.
- 39 e. Threatening.
- 40 f. Contrary to the Academy's policy on harassment.
- 41 g. Harassing.
- 42 h. Illegal.
- 43 • Sending or posting materials or communications that are:
  - 44 i. Damaging to another's reputation.
  - 45 j. Abusive.
  - 46 k. Obscene.
  - 47 l. Sexually oriented.
  - 48 m. Threatening.
  - 49 n. Contrary to the Academy's policy on harassment.
  - 50 o. Harassing.
  - 51 p. Illegal.
  - 52 q. Reflect in a negative way the Academy, any of the Academy Staff or BLETP Staff or
  - 53 any BLETP Cadet or other in-service student.

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## HONOR CODE / SERIOUS & GENERAL MISCONDUCT

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### HONOR CODE:

54 The Honor Code is a statement of essential standards of integrity to which every person aspires. Individuals  
55 are not born with honor; rather, its attainment is an ongoing educational process. To instill these ideals into  
56 every Cadet is one of the key objectives of the educational process at the Academy.

57 The Academy is designed to produce law enforcement officers for the State of Maine. The deep-seated  
58 sense of professionalism essential to every law enforcement officer is a product of self-discipline and total  
59 commitment to high standards of honor, duty, and responsibility. The Academy offers a challenging  
60 environment where a Cadet can develop these high standards. The Academy demands, through the Honor  
61 Code and the Professional Value System, that forthrightness and honesty characterize the daily actions.

62 Certain serious misconduct offenses described in this Manual may, and probably will, lead to dismissal  
63 from the Academy. The acts of **lying**, **cheating** and **stealing** are violations under the Academy's  
64 Disciplinary System, but will normally be treated under the guidelines of the Honor Code. The application  
65 of the Honor Code is an educational objective: ***Cadets are required to make conscious decisions regarding***  
66 ***its application and to accept the moral consequences of their decisions.*** The Honor Code and its  
67 application are consistent with goals and traditions of the nation's law enforcement officers and its usage at  
68 the Academy enhances the preparation of Cadets for service to the citizens of the State of Maine. A Cadet's  
69 failure to take appropriate action regarding suspected or known violations of the Honor Code is also  
70 considered a violation under this Manual. This enhances the new law enforcement officer's desire to do  
71 what is right when confronted with moral issues after graduation.

72 The guidelines below should be the basis for a Cadet's conduct throughout the training process. The Honor  
73 Code describes a way of life as well as setting forth a method for handling violations. Upon learning what  
74 may be a violation of the Honor Code, the Cadet has the following options:

- 75 • *Discuss the incident with the suspected offender and take no action if it appears certain that no*  
76 *violation was committed.*
- 77 • *Discuss the incident with the suspected violator and, if warranted, report the offender.*
- 78 • *Immediately report the incident to a Cadre member if the severity of the incident warrants it.*

79 The responsibility for the proper course of action rests with the Cadet learning of the possible violation.  
80 Cadets must take one of the steps outlined above. Failure to take any action may subject the Cadet to  
81 administrative action or punishment under the Academy's disciplinary system. Any person who decides to  
82 report an Honor Code violation will be asked to submit a memorandum describing the relevant facts of the  
83 incident to the Cadet Disciplinary Officer. A Cadet must report an Honor Code violation within two  
84 Academy working days of learning of the violation.

85 Cadre and BLETP staff members may be approached anytime by a Cadet to discuss any questions that may  
86 arise relating to an Honor Code issue.

87 The Cadre Supervisors will conduct an investigation at the discretion of the Cadet Disciplinary Officer to  
88 consider the merits of an Honor Code violation. All findings shall be confidential and reported to the Cadet

89 Disciplinary Officer upon the conclusion of the investigation. A Cadre Supervisor will notify the Cadet of  
90 any allegations and provide an opportunity to present evidence in the case.

91 After reviewing the evidence, the Cadre Supervisor will submit a report to the Cadet Disciplinary Officer  
92 specific violations and the facts surrounding the violations in a timely manner.

93 After the Cadre Supervisor's report is reviewed, then the Cadet Disciplinary Officer may recommend the  
94 following actions:

- 95 • *No action, if unfounded.*
- 96 • *Issuance of a gig and/or other discipline as deemed appropriate.*
- 97 • *Issuance of a demerit by the Academy Director and/or other discipline as deemed appropriate.*
- 98 • *Dismissal of the Cadet.*

99 Should the Cadet Disciplinary Officer determine that a demerit, suspension or termination is to be  
100 recommended, the Cadet Disciplinary Officer will immediately confer with the Academy's Director.  
101 The individual responsibility of every Cadet is to know the Honor Code and its application. Regardless of  
102 the rank or position of the person who reports a Cadet for an Honor Code violation, the Cadre Supervisor  
103 will conduct the investigation and factual determination of the alleged violation independent of any  
104 investigation by the Cadet's agency.

105 A decision that a Cadet has violated the Honor Code represents an **EXTREMELY SERIOUS INCIDENT**  
106 of misconduct that may result in termination from the Academy, or in appropriate cases, a period of  
107 probation and/or other punishment.

108 It is a violation of the Honor Code to attempt to lie, cheat, or steal; or to solicit or assist another to lie, cheat,  
109 or steal. The following definitions are pertinent to the Academy's Honor Code:

### **Veracity/Lying**

110 *Lying is stating an oral or written untruth with the intent to deceive. Veracity or truthfulness is a crucial*  
111 *element in the foundation of law enforcement. Cadets will be truthful at all times. Cadets will not tolerate*  
112 *another Cadet lying, nor will they abide others who do tolerate lying.*

### **Cheating/Plagiarism**

113 *Plagiarism is to knowingly use unauthorized assistance in submitted work designated to represent one's*  
114 *own efforts. Cheating is to deceive by trickery, to mislead, to elude, or to act dishonestly.*

115 All items that need to be copied or duplicated will be reviewed and approved by the instructor for whose  
116 course the duplication is intended. Unauthorized duplication of any materials including computer generated  
117 reports and notes, may be grounds for disciplinary action.

118 The following are examples, but are not all inclusive:

- 119 • *Looking at another Cadet's answer sheet or test papers.*
- 120 • *Copying another Cadet's answer.*
- 121 • *Changing a test answer after the completion of any test.*
- 122 • *Having another Cadet do an assignment.*
- 123 • *Talking without permission to another Cadet, anytime, during an examination.*
- 124 • *Writing any information before, during, or after the exam on desktops, booklets, hands, etc. Use of*  
125 *scratch paper for mathematical computations is acceptable if authorized by the exam proctor.*

- 126 • Referring to other Cadet's work product and then submitting similar work as your own.
- 127 • Having any information at the Cadet's disposal such as notes, books, etc., that is relevant to the
- 128 examination without permission.
- 129 • Having access to examination questions and answers prior to, during, or after a test, and before the
- 130 grading of the exam.
- 131 • Recording an improper score either on an examination, physical fitness assessment or at the
- 132 firearm range.
- 133 • Intentionally shooting at another Cadet's target to improve their score.
- 134 • To make holes in a target other than by a fired round.
- 135 • Not completing as given, any fitness exercises; such as shortcuts on runs, weight repetitions, pull-
- 136 ups, etc.

### **Stealing**

137 *To take, obtain, or withhold property or anything of value wrongfully from the owner with the intent of*  
 138 *permanently or temporarily depriving the owner of its use of possession.*

139 An attempted offense is an act, done with the specific intent to commit an offense under the Honor Code.  
 140 The act must be more than mere preparation to commit an offense, but rather must tend to carry out or  
 141 complete the basic offense such as lying, cheating, or stealing.

142 Solicitation consists of any statement, oral or written, or any other act or conduct, which may reasonably be  
 143 construed as a serious request, or advice to lie, cheat, or steal.

144 Aiding in the commission of an Honor Offense consists of assisting or encouraging the active violator of an  
 145 Honor Code violation, and sharing the intent of the active violator.

### **Serious General Misconduct**

146 The Academy expects Cadets to have the highest standards of personal appearance, discipline, conduct, and  
 147 performance and to conduct themselves in a professional manner at all times. It is not practical to provide a  
 148 written list of all examples of serious general misconduct.

149 The following breaches of conduct are extremely serious and will be treated in the same manner as an  
 150 Honor Code Violation.

### **Sexual Harassment**

151 *Sexual Harassment is illegal and explicitly forbidden. Any form of sexual harassment will not be tolerated*  
 152 *at the Academy. As a matter of State policy, any behavior of a sexual nature in the workplace is considered*  
 153 *unprofessional regardless of whether it constitutes illegal sexual harassment. Public service demands of*  
 154 *each of us the highest standards of honesty, impartiality, and conduct in the performance of our duties.*  
 155 *Each Cadet, therefore, is personally responsible for compliance with this policy.*

156 As part of their supervisory responsibilities, supervisors are required to actively prevent or stop  
 157 inappropriate, unprofessional conduct in the workplace regardless of whether the conduct rises to the level  
 158 of illegal sexual harassment. If they become aware of any such conduct occurring, they must take  
 159 immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is  
 160 required regardless of whether a complaint is made or the conduct appears to be unwelcome.

161 The Department's EEO Coordinator may be consulted for advice and direction and **must** be contacted if a  
 162 complaint is received, even if the complainant requests that no action be taken. Managers and supervisors

163 who fail to fulfill their obligations under this policy will be subject to disciplinary action, up to and  
164 including discharge.

Examples

165 Behavior that is sexual in nature may be **verbal** – such as comments about a person’s looks, personal  
166 inquiries, sexual jokes, use of derogatory sexual stereotypes (“babe”, “hunk”, “doll”, “testosterone  
167 poisoning”), uttering sexually suggestive sounds, writing sexual notes, use of State computer equipment to  
168 send, receive and/or download material of a sexual nature; **non-verbal** - such as looking someone up and  
169 down, staring or leering at someone’s body, deliberate blocking of a person’s path, displaying sexual  
170 visuals, making sexual gestures; or **physical** – such as massaging, touching, deliberate brushing up against  
171 someone, hugging, pinching, grabbing, or actual sexual assault.

172 A Cadet sexually harassing another Cadet will be grounds for immediate suspension from the Academy by  
173 the Academy Director.

**Harassment**

174 *Harassment is illegal and explicitly forbidden. Any form of harassment will not be tolerated at the*  
175 *Academy.* The Academy recognizes the dignity of the individual Cadet and the right of Cadets to train in an  
176 environment, which is free of intimidation and harassment. Such intimidation or harassment based on sex,  
177 race, color, religion, national origin, age, marital status, physical or mental disability, or sexual orientation  
178 is a violation of State policy. Harassment based on sex, race, color, religion, national origin, age or physical  
179 or mental disability also constitutes illegal discrimination. Because harassment on the basis of sex, race,  
180 color, religion, national origin, age, marital status, physical or mental disability, or sexual orientation  
181 seriously undermines the integrity of the work place and adversely affects Cadets morale, it is unacceptable  
182 and will not be tolerated.

Examples

183 Examples of harassment related to race, color, sex, national origin, age, religion, marital status, physical or  
184 mental disability or sexual orientation include the following, which may be a series of incidents or a single  
185 occurrence:

- 186 • *Unwelcome sexual advances, gestures, comments, or contact.*
- 187 • *Threats.*
- 188 • *Offensive jokes.*
- 189 • *Subjecting Cadets to ridicule, slurs, or derogatory actions.*
- 190 • *Basing employment decisions or practices on submission to such harassment.*
- 191 • *Refusal to cooperate with employees in performing work assignments.*
- 192 • *Inequitable disciplinary actions and work assignments.*

193 Managers and supervisors must take prompt action to eliminate such harassment, because it undermines  
194 morale and interferes with performance, as well as demeans its victims. Lack of corrective action by  
195 managers and supervisors may be perceived by the victim(s) as condoning such harassment. Corrective  
196 action is required regardless of whether the victim makes a formal complaint. Appropriate disciplinary  
197 procedures should be utilized in resolving incidents of such harassment.

198 *A Cadet harassing or threatening another Cadet will be grounds for immediate suspension from the*  
199 *Academy by the Academy Director.*

### **Hazing**

200 The practice of playing abusive or humiliating tricks by a Cadet on another Cadet is strictly prohibited. The  
201 term “Hazing” shall mean any conduct or method of initiation that willfully or recklessly endangers the  
202 physical or mental health of any Cadet. Such conduct shall include whipping, beating, branding, forced  
203 calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other  
204 substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the  
205 physical health or safety of any Cadet, or which subjects such Cadet to extreme mental stress, including  
206 extended deprivation of sleep or rest or extended isolation. Hazing of any person is expressly forbidden and  
207 will be grounds for immediate suspension from the Academy by the Academy Director.

### **Drugs/Narcotics**

208 Any Cadet, who illegally possesses, uses, sells or furnishes marijuana, or any scheduled drug or imitation  
209 drug as outlined in 17-A M.R.S.A., Chapter 45, or is to any degree, under the influence of intoxicating  
210 drugs at any time while at the Academy will be grounds for immediate suspension from the Academy by  
211 the Academy Director.

### **Intoxicating Beverages**

212 Any Cadet who consumes or possesses intoxicating beverages while at the Academy, or is to any degree,  
213 under the influence of intoxicating beverages at any time while at the Academy will be grounds for  
214 immediate suspension from the Academy by the Academy Director.

215 Cadets shall not consume intoxicants while off duty to the extent that evidence of such consumption is  
216 apparent when reporting for duty. Cadets must cease consuming intoxicants at a point of the intoxicant  
217 odor is on the Cadets' breath when reporting for duty. Cadets will be required to submit to an Intoxilyzer or  
218 other Breath Testing Device, if articulable suspicion exists.

### **Criminal Misconduct**

219 Any Cadet who is formally charged with a criminal offense will be grounds for immediate suspension from  
220 the Academy by the Academy Director.

### **Disobedience**

221 Cadets must obey all Rules and Regulations promulgated by the Academy and must obey all orders given to  
222 them by the faculty and BLETP staff of the Academy. Disobedience of such rule, regulation or order is  
223 deemed a breach of the Standards of Conduct of this Code and may result in the Suspension of the Cadet.  
224 A repeated violation of this standard, the first of which resulted in Suspension, may result in dismissal of  
225 the Cadet from the Academy by the Academy Director.

## **GENERAL CONDUCT**

226 Comprehensive general orders and directives usually govern the conduct the of law enforcement  
227 community. Only the highest standards of personal appearance, discipline, conduct, and performance is  
228 acceptable from Cadets. By achieving high standards, Cadets will be equipped with skills, knowledge, and  
229 abilities needed to assume the responsibilities of a law enforcement officer in the State of Maine.

230 Cadets are expected to conduct themselves in a professional manner at all times. This particularly calls for  
231 alertness and promptness along with the willing and intelligent obedience of every order or suggestion from  
232 a BLETP staff member. This also includes a Cadet placed in charge of any assignment. Every effort  
233 should be made to carry out each order, not only to the letter, but also by keeping in mind the intent and  
234 spirit of the order.

235 Whether on duty, or off duty, Cadets are expected to conduct themselves in a courteous manner, keeping in  
236 mind the proper conduct expected of all law enforcement personnel. While it is impossible to list all  
237 potential acts of misconduct, Cadets should bear in mind that they represent their Agency and all serious  
238 breaches of accepted conduct may result in disciplinary action.

### **Courtesy**

239 Cadets will address all persons, except for other Cadets in training, as “Sir” or Ma’am”. Cadets will show  
240 proper respect to all members of any agency of superior rank.

### **Food/Beverage**

241 Cadets are monitored throughout the training program for their health and physical fitness. This includes  
242 eating a well-balanced meal provided at the Academy. Cadets will not possess/consume any food or  
243 beverage not provided, unless medical issues require otherwise or otherwise approved by the BLETP Staff.  
244 This shall be approved in advance by the BLETP Staff. This includes candy, cough drops and gum.

### **Gambling/Games**

245 Card playing and gambling in any form is prohibited. Playing of computer games, watching videos on  
246 computers or other electronic devices in any form, unless directed by an instructor for the purpose of  
247 training, is prohibited.

### **Appearance and Demeanor**

248 Cadets will shower following physical training and as necessary or as directed by the BLETP Staff. Cadets  
249 will appear neat and clean at all times when in the “uniform of the day.” Cadets will brush their teeth and  
250 use deodorant to prevent body odor. Fingernails and toenails will be kept clean, trimmed, and free of  
251 fingernail polish. Conspicuous barrettes, pins and combs shall not be worn in the hair. Conspicuous  
252 artificial hair color changes are prohibited. The Cadre (or MCJA staff) has the final determination if the  
253 Cadets appearance is appropriate for training.

254 MALES: Cadets shall have their hair closely trimmed and clipped at the sides and back so as to present an  
255 evenly graduated appearance. Hair may not touch the shirt collar and not touch the ears. Sideburns will not  
256 extend past the center of the ear and will be no more than one-inch wide. Facial hair will not be allowed.  
257 Cadets will be clean shaven daily.

258 FEMALES: Cadets shall have their hair cut short or arranged to allow for the proper wearing of a uniform  
259 cover. Hair may not touch the shirt collar.

### **Tattoos**

260 Cadets that have visible offensive tattoos shall cover them up. The Cadre (or MCJA staff) has the final  
261 determination if the tattoo(s) are appropriate for training.

### **Traveling to and From the Academy**

262 Cadets will not commute to or from the Academy while in the Academy uniform, unless otherwise directed  
263 by the BLETP Training Staff. Issued Academy equipment bearing any Academy or agency insignia will be  
264 kept from public view while commuting. Throughout the training program, Cadets will commute in  
265 suitable business attire.

266 Cadets reporting to the Academy on the first day will be directed to a parking area designated for all Cadets.  
267 Cadets will park in a manner that allows the front of their vehicle to be facing out at all times. When  
268 parked, all vehicles will be backed into the designated space and as close as safely possible.

269 During the first week of training, Cadets are encouraged to identify other Cadets that live in a close  
270 proximity to them so that they may car pool in the future. Persons picking up Cadets on Friday are asked to  
271 remain in their vehicles while parked on Academy grounds. Upon dismissal, any Cadet expecting a ride  
272 will immediately report to their vehicle.

273 Personal vehicles shall comply with all provisions of the Maine Motor Vehicle Laws. All traffic laws of the  
274 State of Maine will be strictly adhered to. Any Cadet that is stopped for a violation of law while enroute to  
275 or from the Academy will report the violation through the chain of command.

276 Cadet vehicles will be secured at all times.

### **Cadet Uniform of the Day**

277 The uniform of the day will always be worn unless one of the Cadre Supervisors has designated another  
278 one.

279 Nametags will be centered horizontally on the right shirt pocket flap, aligned along the top seam of the  
280 pocket flap. The uniform will be worn to present a proper gig line. Shoes, belt and collar brass will be  
281 clean and shined at all times. The Cadet pen will be retracted and worn in the left pocket of the uniform  
282 shirt aligned to the right side of the pocket. Uniform covers will always be worn outside buildings and  
283 never indoors.

284 The Cadet uniform will be pressed, cleaned and properly tailored, as directed by the Cadre. No glued,  
285 sewn-in or otherwise artificial creases will be allowed.

286 No articles such as wooden pencils, watch chains, pins, jewelry, handkerchiefs, combs, or similar items will  
287 be worn or carried exposed upon the uniform. Earrings, watches, rings, other jewelry and other  
288 unauthorized personal adornments are prohibited unless otherwise directed by the Cadre. Wedding bands  
289 and/or medical bracelets may be worn. Religious necklaces may be worn beneath the shirt and out of view.

290 Sunglasses will not be worn indoors or in any formation.

291 No coin or currency will be kept in the dorms without the permission of the BLETP Training Staff. Any  
292 currency authorized by BLETP Staff shall only be used for making authorized transactions. Checkbooks,  
293 coin, currency, purses, wallets and other such items shall be secured in the Cadet's vehicle and not worn  
294 with the uniform of the day.

295 Cadets will carry their field notebook, Cadet pen, resignation form (R-1), gig cards and any required  
296 medication on their person at all times, unless otherwise directed by the staff. It is permissible during  
297 physical training or M.A.R.C. training to store the above items in a uniform manner or as directed by the  
298 Cadre. Consideration for personal safety always comes first. If a Cadet is in doubt about having the above  
299 items on their person, the Cadet should ask, through the chain of command, for further direction.

300 The staff will check field notebooks periodically. Each page of the field notebook will be numbered  
301 consecutively. All pertinent information will be noted in the field notebook as directed by the Cadre.

302 Cadets will also be professional in bearing and are prohibited from the following:

- 303 • *Leaning against walls or other objects such as vehicles,*
- 304 • *Hands in pockets,*
- 305 • *Use of profane, obscene or vulgar language,*

- 306       • *Demonstration of any animosity against another Cadet, staff member, etc.,*  
307       • *Sitting on any sinks, beds or furniture other than chairs.*

### **Reporting**

308       When reporting to or making an inquiry of a Cadre or Staff member at an office location, the procedure will  
309       be as follows: Knock three times loud and clear at the entrance (door open or closed) to the room or office,  
310       utilizing the doorframe or knock pad, and await a response. If there is no response, wait thirty seconds and  
311       knock again. If there is still no response, leave and return later. A Cadet will not enter the room until  
312       advised to do so. When there is a response such as “come in” or “enter”, step inside and state:  
313       “Sir/Ma’am”: Cadet (name) requests to speak with (name of staff member) regarding (nature of business).”

314       Cadets, who report to the Academy with subpoenas for pending court cases, shall submit a copy of the  
315       subpoena with details by memorandum through the chain of command. The BLETP Training Staff will  
316       help the Cadet make necessary arrangements to attend court. Whenever a Cadet receives a subpoena during  
317       training, the BLETP Training Coordinator and the Cadre will be notified immediately.

318       Cadets with military obligations that would in any way conflict with the training schedule are to submit  
319       details by memorandum to the BLETP Training Coordinator and the Cadre.

320       Class meetings will only be conducted with the approval of the BLETP Training Staff.

### **Absence from the Academy**

321       Cadets will be required to attend all training sessions while at the Academy. Cadets will not absent  
322       themselves from the Academy area without the permission of the BLETP Training Coordinator or Cadre,  
323       and have the approval by the proper authority of the individual's hiring agency. If a problem arises at home,  
324       it should be brought to the attention of a BLETP staff member at once. Whenever permission is received to  
325       leave the area, Cadets will sign out and in on the log provided for this purpose. Cadets will be required to  
326       have their agency CEO’s specific written permission to be absent from the Academy if the Cadet is seeking  
327       other law enforcement opportunities.

328       Cadets shall be responsible for ensuring they obtain any missed material or training from a staff member.

329       All Cadets on weekend leave must report to the Cadre Duty Officer at the Academy no later than 0630  
330       hours and no earlier than 0600 hours Monday morning unless otherwise advised by the Cadre Supervisors.  
331       Cadets will be required to sign in the attendance log, personally, by entering their name and the time  
332       checked into the Academy.

333       Cadets will sign out in the attendance log, personally, with their name, time of check out and telephone  
334       number they can be reached at during the weekend. Cadets will keep their homes notified as to where they  
335       can be reached while on weekend leave should they leave their residence.

### **Smoking/Tobacco Use**

336       Cadets are prohibited from smoking or using tobacco products of any kind on Academy grounds or while  
337       participating in any Academy training program. In keeping with the concept of lifetime fitness, Cadets are  
338       strongly encouraged not to use tobacco products when they leave Academy grounds.

### **Marching in Formation**

339       Cadets will proceed in formation to and from Academy functions, as directed by the BLETP Staff. Protocol  
340       for marching in formation is outlined in the Cadet Drill Manual.

## **Movement Outside of the Classroom**

341 The following procedures will be used when Cadets approach members of the staff:

342 Unless directed otherwise, when a Cadet is moving and approaches a member of the BLETP training staff  
343 either walking or standing still, the Cadet will stop and come to the position of attention five paces before  
344 overtaking or passing the staff member. The Cadet will make the following request: “Sir/Ma’am, excuse  
345 me Sir/Ma’am.” The Cadet will remain at the position of attention until directed to continue by the staff  
346 member. The ending “Sir/Ma’am” will continue until the BLETP Training Staff directs the Cadets  
347 differently. Unless directed by the BLETP training staff, when moving in groups of two (2) or more  
348 Cadets, only the first Cadet in line needs make the request.

349 The following procedures will be used when Cadets approach all others:

350 At all times Cadets will be courteous and polite. A simple appropriate greeting (EX: “Good  
351 morning/afternoon Sir/Ma’am”) is sufficient for most contacts.

352 The command of “Gangway” will be given by any Cadet to BLETP Staff only or others in extenuating  
353 circumstances for the purpose of clearing the way for others to pass. Gangway shall mean, briskly moving  
354 out of the way until others have passed.

## **Personal Problems**

355 Personal problems such as family difficulties, complicating disagreements with citizens or any other  
356 aggravating or embarrassing situation should be confidentially discussed with a member of the BLETP  
357 Staff. Accusations involving illegal violations, either alleged or factual, must be immediately brought to the  
358 attention of the Cadre Supervisors.

## **Physical Contact**

359 There will be no physical contact (pushing, hitting, etc.) between Cadets except in a training exercise when  
360 supervised by an instructor or staff member.

## **Excuses**

361 Excuses for poor performance are not normally accepted within the law enforcement community and will  
362 not be accepted at the Academy, unless a staff member asks for the reasons for that Cadet’s poor  
363 performance.

## **Off Limits**

364 Students shall not be permitted in the following areas, except by permission of the Cadre:

- 365 • *Emergency exits, except during emergencies or drills.*
- 366 • *All rooms and hallways in the billets, except those assigned to or designated for the Basic Law*  
367 *Enforcement Training Program.*
- 368 • *All classrooms except those utilized by the Basic Law Enforcement Training Program.*
- 369 • *The Administration Area, 4th floor of the Administration Building and Conference Rooms except by*  
370 *permission of the Cadre.*
- 371 • *All basement and roof areas, except by permission of the Cadre.*
- 372 • *Cadre billet rooms at anytime, except with the expressed permission of the residing Cadre member.*

## CLASSROOM CONDUCT

- 373 Cadets are expected to be prompt in reporting to assigned classes. Cadets will bring all necessary books,  
374 papers and equipment before the start of a class.
- 375 When an instructor enters the room, the class leader will state, in a voice loud enough to be heard by all  
376 students, "Stand By." All students will then immediately face front, with feet on the floor, hands on their  
377 desk, and provide the proper respect due the instructor. The class will be called to "attention" for any  
378 Instructor, Law Enforcement Chief Executive Officer, the Academy Director or any other dignitary.
- 379 Cadets will sit upright in their assigned seats. Heads will be up and no slouching or semi-reclining will be  
380 tolerated.
- 381 To secure an instructor's attention, the Cadets will raise their hand. When acknowledged by the instructor,  
382 the Cadet will then stand unless otherwise notified by the instructor. When asking a question, the Cadet  
383 will speak clearly and project their voice so all people in the classroom will hear the question. All Cadets  
384 shall preface their questions or statements with "SIR" or "MA'AM".
- 385 Eating in the classroom is prohibited, unless otherwise directed by the BLETP Staff or instructor.
- 386 Conversations between Cadets during classroom recitation or lecture will not be tolerated.
- 387 Classrooms will be kept neat and orderly at all times. Cadets shall pick up after themselves.
- 388 Upon completion of each block of instruction, the class leader will thank the instructor on behalf of the  
389 class. Cadets will file out of the classroom through the assigned door as directed by the Cadre in an orderly  
390 manner. Books, papers, and other materials at the podium will be of no concern to Cadets and should not  
391 be violated. The overhead lights and media equipment need to be turned off or put in sleep mode.
- 392 No Cadet will make use of the whiteboard unless otherwise directed by a BLETP staff member or  
393 instructor. Class breaks will be taken as directed by the BLETP Staff or the instructor. Conversation will  
394 not be disruptive or loud.
- 395 Sleeping in class will not be tolerated. Any Cadet experiencing fatigue may be permitted to stand to the  
396 outside of their assigned row. Cadets will remain attentive to the subject matter being presented and keep  
397 their eyes completely open. Cadets will give complete attention to the instructors.
- 398 Laptop computers shall be kept closed at all times, unless being used by the Cadet for classroom work or  
399 instructed otherwise by the BLETP staff or instructor. During any presentation in the classroom, laptop  
400 computers or other communication devices used to access the internet will only be allowed at the discretion  
401 of the instructor or MCJA staff. While on breaks, it is permissible to use the computers or other  
402 communication devices to study for another class or work on approved projects. At no other time will any  
403 computer or other communication device be used without prior approval of the BLETP Staff. No text  
404 messaging will be allowed from Cadets to other Cadets during class unless approved by a member of the  
405 BLETP staff.

### **Tardiness or Absence from Class**

406 Promptness is essential during Cadet training, as well as throughout the entire Cadet's career. The 24-hour  
407 clock is used on all schedules. The master schedule will be adhered to unless otherwise directed.

408 Failure of a Cadet to report to any daily assignment at the prescribed date and time will result in disciplinary  
409 action. Cadets will be punctual in reporting to all assemblies or formations in the designated places. A  
410 Cadet is considered late, if not in the proper place at any assembly, formation or class session according to  
411 the published training schedule or direction of the staff.

412 A Cadet will not be late with written assignments. If tardiness or absence is inevitable, the Cadet shall  
413 notify the Cadre or BLETP Training Coordinator for whom the written assignment was intended prior to the  
414 deadline or as soon as practical thereafter with an explanation. If the explanation does not excuse the  
415 absence or tardiness, the Cadet will be subject to discipline.

416 Any Cadet that misses any class time or needs to leave the Academy grounds for any reason shall submit an  
417 Authorized Leave form with written permission of the Chief Law Enforcement Officer, through the chain of  
418 command to the BLETP Training Coordinator or Cadre in the event the BLETP Training Coordinator is not  
419 available.

420 Each Cadet will be in his/her assigned place at the beginning of each class period. Seating will be assigned  
421 and changed only by the Cadre.

### **Study Time**

422 Study time is to be used by Cadets as a period to review class notes, reading assignments, complete  
423 homework assignments and for studying for exams and quizzes. Study time will be designated on the Basic  
424 School Schedule (if schedule permits due to night classes) or otherwise directed by the Cadre Supervisor.  
425 Studying will be done in the dormitory rooms with the Cadet sitting at his/her desk or other designated  
426 areas, such as the Quiet Lounge if approved by the Cadre.  
427 All dormitory room doors will remain open during study periods. The bathrooms are not to be used as  
428 study halls. Gig memos are not to be written during study time.

### **Self-Improvement Time**

429 Self-improvement time is to be used by Cadets as a period to improve on physical fitness, academics or  
430 other approved area. Self-improvement time will be designated on the Basic School schedule (if the  
431 schedule permits due to night classes) or otherwise directed by the Cadre Supervisor. Cadets are required to  
432 advise the Cadre (who will approve) of what they will be doing for self-improvement and the location.  
433 Self-improvement time will be limited to anything described above in Study Time, running on the track,  
434 working out in the gym, shining leather gear, working on class projects or other areas designed for  
435 self-improvement.

### **Class Notebooks**

436 Cadets will take complete notes on all subjects during the training program, when appropriate. Cadets shall  
437 maintain their class notebooks in an orderly fashion and be subject to inspection by the BLETP Staff.

## **USE OF FACILITY AND PROCEDURES**

### **Utilities**

438 Cadets will use all utilities conservatively. When leaving a room, the last Cadet leaving a room will turn off  
439 all lights. Special attention shall be given to the BLETP classroom.

### **Dining Room**

440 Meals are normally served at 0700 hours, 1200 hours, and 1725 hours, Monday through Friday. Meals are  
441 not served on Monday mornings or Friday evenings, unless the schedule requires this meal.

442 Upon entering Senior House for a meal formation, Cadets will line up, as directed by the Cadre, at the  
443 position of attention, waiting to enter the cafeteria. Talking is not permitted while standing in the chow  
444 line.

445 Each Cadet will be expected to take only food that they desire to eat. Any Cadet not eating properly should  
446 be encouraged to follow a nutritionally sound diet. Cadets with a weight problem will be expected to adjust  
447 their diet accordingly.

448 When the meal is finished and the Cadets are given permission to leave the dining area, they will put their  
449 chairs in place under the table. At no time will any Cadet allow another Cadet to eat or sit alone. Cadets  
450 shall eat only in the dining room designated and shall fill in tables as directed by the Cadre. Cadets will  
451 change their seats every meal and never sit at the same table with the same Cadets during consecutive  
452 meals. Cadets are expected to know the other Cadets sitting with them at a meal.

453 Food or drinks will not be taken from the dining room without the permission of the staff.

### **Mail**

454 Mail from family and friends (not business) may be received while at the Academy. To ensure prompt  
455 delivery, Cadets will inform all correspondents to address their mail sent to the Academy as follows:

*Cadet \*NAME\**  
*Maine Criminal Justice Academy*  
*Basic Law Enforcement Training Program*  
*15 Oak Grove Road*  
*Vassalboro, Maine 04989*

456 Any other address may result in mail being misdirected. The Cadre will deliver mail to the Cadet in the  
457 classroom during a break or during mealtime and a Cadet may not call or ask for mail at any other time or  
458 place.

### **Staff Quarters**

459 Staff quarters are off limits except with the expressed permission of the residing Cadre to enter the room.

### **Dormitory/Living Quarters (Billet)**

460 Cadet dorm rooms will remain unlocked at all times. Doors will remain open unless changing clothes or  
461 directed by a Cadre member. No articles or items of any type will be affixed to the walls. All issued gear,  
462 personal gear and/or equipment will be properly stored and secured as directed by the Cadre. Cadets are  
463 allowed to display a framed photo no larger than 8 X 10, as directed by the Cadre.

464 Each Cadet will be assigned to quarters that may be changed only with the Cadre permission. Every Cadet  
465 will share in the proper policing of quarters and grounds as directed by the Cadre. When Cadets are re-  
466 assigned to another room, they are to bring their pillows and blankets with them throughout the Academy.  
467 All personal belongings will be moved to the new room and at no time will drawers be taken out of desks to  
468 help in the move.

469 Only such textbooks that are issued or other such material approved by the BLETP Staff shall be allowed in  
470 the billet area.

471 Tampering with door locks, windows, etc. is prohibited.

472 Cadets shall sleep in their assigned beds and between the sheets, using only the bedding and linens  
473 approved by the Academy, unless the BLETP staff approves alternative bedding and linens. There will be  
474 no reclining or sitting on bunks until after taps. An exception will be made should a Cadet become ill and  
475 has permission from a BLETP staff member to lie on the bed. Bathrobe and shower shoes will be worn  
476 going to and coming from the showers. In rooms, if the Cadet is not in uniform, a bathrobe or sweat gear  
477 will be worn unless in bed and covered.

478 Cadets are responsible for reporting damage that occurs in the billet area to the Cadre.

479 Dormitory areas, including rooms, closets, drawers, desks, and bathrooms are subject to inspection at all  
480 times. Cadets are responsible for the appearance and condition of their assigned billets. All furniture,  
481 windows, and door ledges, study areas, lamps and heating and air vents will be dusted as needed. All floors  
482 will be vacuumed, washed and/or dusted as directed by the Cadre. Floors will be waxed only when directed  
483 by the Cadre.

484 No food or beverages, unless allowed by the BLETP Training Staff will be allowed in the billet area. No  
485 ammunition, empty casings, flammable material, explosive materials or weapons of any kind will be  
486 allowed in the billet area. Impact weapons or other duty belt equipment may be carried when approved by  
487 the Cadre.

#### **Telephones/Personal Communication Devices (Personal or Business)**

488 Academy business telephones or Personal Communication Devices (PCD) (cell phones, blackberries, touch  
489 pads, etc.) will not be used for personal/business calls, texting, etc. to or from Cadets, unless approved by  
490 the BLETP training staff. Permission to make PCD calls for business must have been received from a  
491 BLETP staff member before using any PCD. Cadets may only use PCD's at times designated by the Cadre.  
492 Family members should be advised not to call during class hours. Cadets shall not receive or make personal  
493 calls while classes are in session, except for emergency purposes, with the permission of a BLETP staff  
494 member. Designated times will be directed by the Cadre when time allows. PCD's are to be used only in  
495 areas approved by the BLETP staff. PCD's will be kept off and in the top desk drawer of the Cadets desk.  
496 PCD's will not be used to check the time or to text-page. PCD's will be left in the off position unless  
497 authorized by the BLETP staff

498 Cadets are highly encouraged to call family members when the schedule permits. Emergency calls can be  
499 received at any time. In cases of emergency, Cadets should instruct callers to state the reason for the call to  
500 the BLETP staff member. Cadet will be contacted at once when an emergency call is received. The main  
501 line for the Academy is 877-8000 and the Cadre Supervisors Room is 877-8071. Cadets will not be called  
502 out of class except for an emergency. Cadets shall not use Academy phones, except by permission of a  
503 BLETP staff member.

504 PCD's can only be used for calls or texting when permitted by BLETP staff. Internet access is strictly  
505 prohibited unless approved by a BLETP staff member or an instructor for use in class. Recording either  
506 video or audio is strictly prohibited unless approved in advance by a BLETP staff member.

507 Cadets shall not, unless prior permission is granted by a BLETP staff member and/or an instructor for a  
508 BLETP class, to connect with any web site, e-mail or phone line for any reason. The only allowable  
509 screensaver will be provided to the class during the orientation period.

### **Equipment Defects, Damage or Loss**

- 510 Each Cadet will be issued blankets, pillows, necessary textbooks, notebooks, jackets, etc. Cadets will be  
511 held strictly responsible for all issued equipment and its care and maintenance. Any defects, damage, or  
512 loss of such equipment must be reported immediately to the Cadre. When a Cadet discovers any defective  
513 or damaged equipment pertinent to this facility, including an Academy vehicle, a report will be made at  
514 once to the Cadre Supervisors documenting all necessary information along with an explanatory report.
- 515 Any damage or loss due to neglect will be chargeable against the individual responsible for the loss.

### **Weapons, Firearms, and Ammunition**

- 516 Personal weapons of any type, as defined by Maine Law, firearms and/or ammunition will not be permitted  
517 anywhere on the grounds of the Academy. This includes their personal vehicles when left at the Academy,  
518 unless approved by a BLETP Staff member.
- 519 Assigned or personal firearms of any kind will be secured in the armory. No firearms of any type are to be  
520 stored in the vehicles. All agency-issued weapons will be properly secured and in inspection condition at  
521 all times. No ammunition will be brought into the Academy building without BLETP staff approval.
- 522 The Cadre must be informed of any exceptions to the firearms or ammunition policy if not the approving  
523 authority.

### **Red Guns**

- 524 When Cadets are issued their red guns, Cadets will treat them as if they were real weapons. No horseplay  
525 will be allowed. Red guns will never be pointed at any person to include the Cadet holding the red gun,  
526 unless directed by an instructor for purposes of training. When the red guns are not worn, they will be  
527 stored on the closet shelf in a manner designated by the class's billet set up guide. This location (and the  
528 armory during firearms range weeks) will be the only place where they will be considered secured.

### **Academy Grounds**

- 529 All Cadets will be respectful and courteous to each other, the Cadre, and all others with whom they come  
530 into contact. "Sir" or "ma'am" will be used at all times when addressing the Cadre, Maine Criminal Justice  
531 Academy staff, visiting lecturers, and instructors.
- 532 Cadets, when outdoors on Academy grounds, shall double time enroute to and from designated assembly  
533 points, classroom, details, or any other areas unless they are in formation, unless otherwise directed by the  
534 BLETP training staff. Cadet shall not spit on any walkway, Parade Deck or other place on the Academy  
535 grounds unless approved by the BLETP Staff.
- 536 **Cadets crossing the Parade Deck on the sidewalk connecting the Building A and Building C doors,**  
537 **will render honors. When in an academy uniform, the Cadet will come to quick time and present**  
538 **arms, six steps prior to the American Flag pole, holding the salute until six steps past the American**  
539 **Flag pole. If the cadet is in civilian clothing, he/she will hold the right hand over the heart in place of**  
540 **the salute.**
- 541 There will be no spitting on the Parade Deck.

### **Visitors**

- 542 Unauthorized personnel will not be permitted free access to the Academy without the permission of the  
543 Director or his designee. Cadets shall not permit or encourage any person to enter any portion of the  
544 Academy grounds or have any person contact them either in person or by telephone, unless specific  
545 permission is first obtained from a member of the BLETP staff.

546 When such permission is granted, visitation shall always take place as directed by the BLETP staff. Cadets  
547 shall wear the prescribed uniform at all times during visitation. At no time will a Cadet speak with any  
548 person other than a member of the BLETP Staff or their agency administrator, unless permission is first  
549 obtained from the BLETP staff. Basic greetings should suffice so that a Cadet will not appear impolite.

### **Fire Alarm or Bomb Threat**

550 Each Cadet shall know fire safety rules and bomb threat procedures. Each Cadet will know the location of  
551 fire extinguishers that are provided at strategic locations throughout the various Academy buildings. Cadets  
552 shall be familiar with the operating instructions and location of the fire extinguishers.

553 Should a fire occur, Cadets shall:

- 554 • *Know the location of and how to activate an alarm switch.*
- 555 • *Immediately alert all occupants of the building and then contact the Cadre Duty Officer or the*  
556 *BLETP Staff.*
- 557 • *Carry out instructions of the Cadre Duty Officer or the BLETP Staff.*

558 When a fire alarm occurs during class, Cadets will:

- 559 • *Follow the instructions given by the Cadre or the BLETP Staff.*
- 560 • *In the absence of a member of the Cadre the BLETP Staff, or the classroom instructor, the class*  
561 *leader will be responsible for the evacuation of the classroom.*

562 When a fire alarm occurs while the Cadets are in the billet area, the Cadets will:

- 563 • *Promptly exit the billet area by the safest and most direct route and fall into formation in a pre-*  
564 *designated staging area.*
- 565 • *Squad leaders will take roll call.*
- 566 • *Squad leaders will then report to the Platoon Leader who will advise the Cadre Duty Officer of any*  
567 *missing members of the class. The Cadets will wait for further instruction from the Duty Officer.*
- 568 • *If possible, each Cadet will try to be dressed as designated by the Cadre before any fire alarm.*

569 To ensure that each Cadet knows the various escape routes out of the billet areas, fire drills will be  
570 conducted throughout the Academy. The Cadre Supervisors will have prior knowledge of fire drills.  
571 Should a Cadet receive a bomb threat, that Cadet will ensure that a BLETP staff member is aware of the  
572 threat immediately.

### **Taps/Reveille**

573 After 2215 hours or when directed by the Cadre, all lights shall be off in the billet area and silence will be  
574 observed. Cadets will sleep under their blankets. Lights in the bathroom will remain on. There will be no  
575 showers after Taps. Cadets wishing to study after Taps may do so in a designated area when given  
576 permission by the Cadre. There will be periodic bed checks every night by members of the Cadre.

### **CADET ASSIGNMENTS AND RESPONSIBILITIES**

577 The Cadre may assign all Cadet details to individuals or collectively to groups. Cadets shall complete these  
578 assignments to the best of their abilities. Cadets shall obey orders issued by their assigned platoon or squad  
579 leaders. After following an order, any Cadet may contact a member of the Cadre if there is a reason to  
580 believe the order was not appropriate or justified.

581 Cadet details are issued to accomplish specific assignments. All details and assignments are posted in the  
582 Class Leader's notebook and a bulletin board within the billet area.

583 The cooperation of all Cadets is essential in maintaining the Academy and grounds in excellent condition.  
584 All rooms, hallways or areas used by Cadets, as a group shall be kept clean, neat, and in a presentable  
585 condition. It shall be the responsibilities jointly of all Cadets to keep these areas clean, whether or not a  
586 specific detail has not been assigned to maintain the area.

## **ILLNESS OR INJURY**

### **Non-work Related Illness or Injury**

587 When a Cadet becomes ill or injured, and it is not job related, it will be reported immediately through the  
588 chain of command to the BLETP Training Coordinator. If the Cadet wishes to see a doctor or seek medical  
589 attention, the BLETP Staff will arrange for transportation, such as the Cadet driving themselves. When  
590 emergency conditions warrant it, another Cadet (when not in class) may drive the Cadet who is ill or injured  
591 (unless an ambulance is required), otherwise the Cadre will transport the Cadet to the hospital. Upon  
592 returning to the Academy, the returning Cadet(s) will advise a BLETP Staff member of their status and  
593 submit a leave request form. Cadets will be personally required to report to the a BLETP Staff member on  
594 a daily basis, any updates on their illness or injury.

595 If the attending physician prescribes medication for the ill Cadet, the Cadet shall be responsible for  
596 obtaining and paying for the prescription. The Cadet should be aware if that he/she has health insurance  
597 from their agency it may cover this expense. If practical, the Cadet should obtain the medication at a local  
598 pharmacy before returning to the Academy.

599 The ill or injured Cadet shall submit a “Report of Injury” report to the BLETP Training Coordinator  
600 through the chain of command, no later than 0800 hours on the following day of the visit seeking medical  
601 treatment or onset of injury or sooner with all other pertinent information and documentation concerning the  
602 injury.

603 All medication brought into the Academy will be placed by the Cadet in a manila envelope which will be  
604 placed in the Cadet’s top middle drawer. Nothing else will be allowed in this manila envelope.

605 If a Cadet becomes ill or injured on the weekend, they should make every effort to attend to the illness or  
606 injury during the weekend. Written notification of any illness or injury that may affect Academy  
607 participation shall be made to the BLETP Training Coordinator through the chain of command.

### **Occupational Illness or Injury**

608 Should a Cadet become ill or injured while involved in a training activity, it shall be immediately reported  
609 to a BLETP Staff member or instructor in charge of the class. If the Cadet needs medical care, the BLETP  
610 Staff will arrange transportation when practical. Cadets will be personally required to report to the Cadre  
611 Supervisor or Cadre member designated by the Cadre Supervisor, on a daily basis, any updates on their  
612 illness or injury.

613 The injured Cadet shall submit a “First Report of Injury” report to the BLETP Training Coordinator through  
614 the chain of command within 12 hours of the visit to the doctor or onset of injury/illness or as soon as  
615 practical along with all other pertinent information and documentation, prior to 0800 hours the following  
616 day.

617 The Cadet shall provide the attending physician with “Physician Report of Injury” or other appropriate form  
618 as required by the BLETP Staff.

619 If the afflicted Cadet is going to be substantially delayed at the hospital or admitted, the BLETP Staff will  
620 be notified as soon as possible. Should the attending physician prescribe medicine for the Cadet, the Cadet  
621 shall be responsible for obtaining the prescription before returning to the Academy. The Cadet will pay for  
622 the prescription.

623 Failure by a Cadet to report injuries or medical updates in a timely manner through the Academy chain of  
624 command may result in disciplinary action.

625 Cadets are responsible and required to notify their employer, as soon as reasonably possible of the nature  
626 and circumstances of their injury.

### **Personal Hygiene and Infection Control**

627 In an institutional environment, germs, infections, and sickness can cause havoc in a training program.  
628 Therefore, all Cadets will practice good personal hygiene by showering at least once per day, most likely  
629 after strenuous activities, such as M.A.R.C. or physical training.

630 Cadets will practice good hygiene, such as brushing teeth at least twice daily, flushing the toilets and urinals  
631 after each use, washing hands with soap and water (and drying hands) after using the toilets and urinals and  
632 avoid unnecessary spillage in the use of the toilet or urinal facilities.

633 Cadets will also practice good hygiene by washing hands prior to handling food.

634 Cadets will also practice good hygiene by properly disinfecting facilities to include physical training or  
635 M.A.R.C. equipment used by the class or any other equipment, as directed.

636 Cadets will report all sickness, infections or injury to the class Medic and the BLETP staff as soon as  
637 reasonably possible. Cadet shall make any suggestion to the BLETP staff to make a safer training facilities  
638 regarding infectious disease control.

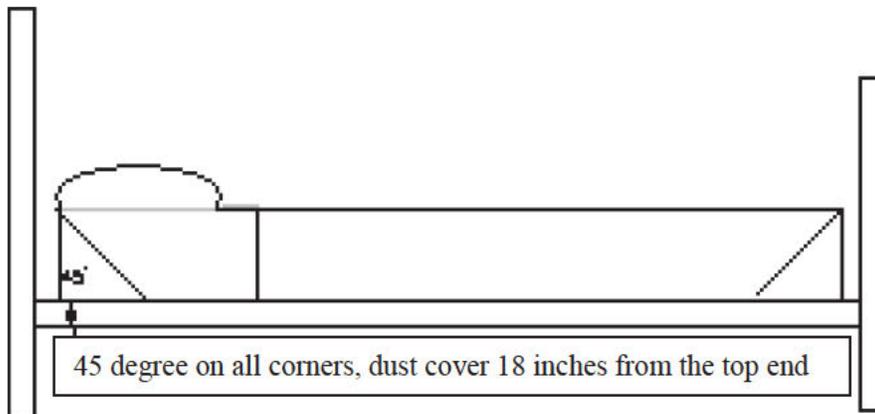
## **INSPECTIONS**

### **Billet Inspection**

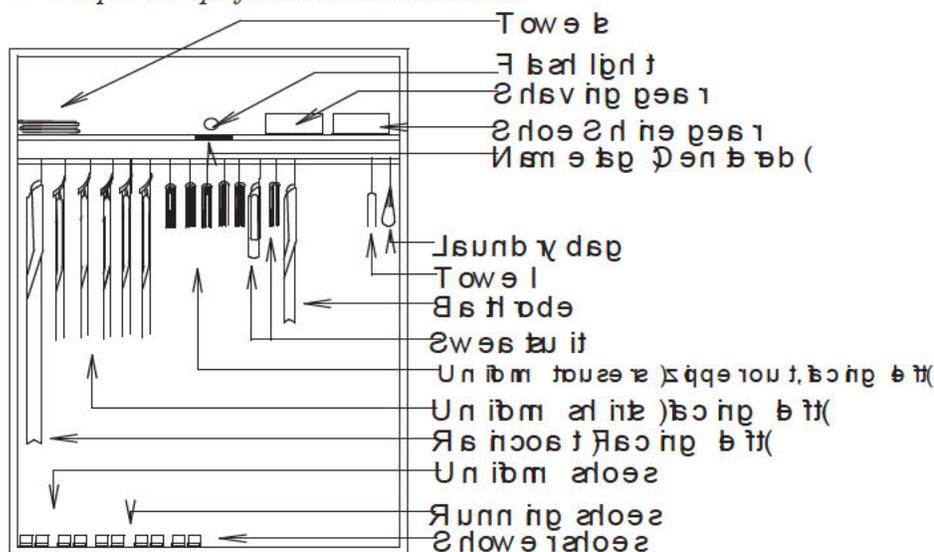
639 Members of the Cadre will make an inspection of personnel and quarters at any time. Inspections will  
640 usually not be announced. If considered necessary, inspection of personnel in ranks or “standby”  
641 inspections may be conducted by the Cadre at any time.

642 Cadets shall prepare the following for inspection by the Cadre and shall be "inspection ready" at all other  
643 times:

- 644 • *Personal appearance – includes personal cleanliness, proper length of hair, closeness of shave,*  
645 *and sideburns, etc.*
- 646 • *Proper condition and wearing of the uniform.*
- 647 • *Properly made bed.*



- 648 • Cleanliness and neatness of the desk.
- 649 • Proper set-up of closets and cleanliness.



- 650 a. Hanging items will be aligned from the left, with hangers spaced two fingers apart.
- 651 b. All zippers, buttons, ties, laces, or snaps will be fastened at all times.
- 652 c. Each room including the bunks and closets will be uniform throughout the class.
- 653 • Cleanliness of windows and shades.
- 654 • Proper location of shoes and athletic footwear.
- 655 • Wastepaper receptacle (empty).
- 656 • Cleanliness of the floor (no scuff marks or dust).
- 657 • Satisfactory completion of assigned details.

658 Cadets are responsible for the overall appearance and condition of the bathrooms located in the billet area.  
 659 No personal articles such as soap, shaving equipment, shampoo, etc., shall be left in the shower stalls or on  
 660 the sink shelves. Sinks and adjoining shelves shall be wiped clean after each use. Toilets shall be flushed  
 661 after use.

662 Shoes will be polished at all times and when not in use, shall be aligned in uniform manner in the closet and  
 663 all laces will be tied.

664 No articles of dress will be hung or placed other than in space provided for clothing and equipment.

### **Formal Personnel Inspection**

665 All Cadets will come to attention at the beginning of an inspection of their quarters. They will stand in the  
666 dormitory hallway by their rooms unless otherwise instructed by the Cadre. Cadets will remain at attention  
667 for the remainder of the inspection of their quarters. Upon completion of the entire inspection, the Cadets  
668 shall standby for further instructions from the Cadre.

### **VEHICLES**

#### **Academy Vehicles**

669 Cadets will operate assigned vehicles in a safe manner and in compliance with Maine Motor Vehicle laws.  
670 Cadets will carry their driver's license when operating an Academy vehicle.

#### **Private Vehicles**

671 Cadets will park their vehicles in the designated place. Private vehicles will comply with all Maine Motor  
672 Vehicle Statutes.

#### **Crashes/Accidents/Incidents**

673 If a Cadet becomes involved in any motor vehicle crash or an incident requiring intervention by a law  
674 enforcement officer, the Cadet will report the incident to the Cadre Supervisors, as soon as reasonably  
675 possible.

### **OTHER RULES**

676 The use of video or audio recording devices will not be allowed unless approved by the BLETP Staff.  
677 Still cameras will be allowed with the permission of the BLETP Staff.

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# ACADEMICS

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## Academic Standards

All Cadets will be required to meet the academic standards promulgated by the Maine Criminal Justice Academy's Board of Trustees. The Cadet curriculum is based on the knowledge, skills, abilities and other characteristics deemed necessary for a new law enforcement officer to possess, particularly in preparing for their first two years in the field. Evaluation of a Cadet's Academy performance is based on written exams, written and practical assignments, practical exams, and other authentic assessment methods for establishing necessary competency levels.

Examinations are administered throughout the training program as developed by the BLETP Training Coordinator, with the approval by the Academy's Director and Board of Trustees. Cadets are required to successfully pass every weekly and major academic examination. No more than 2 make-up exams will be offered. Normally, the weekly tests will cover material that the Cadet had from blocks of instruction during the prior week, and may also cover required reading assignments. Instructors at the beginning of their block of instruction will provide notice of specific requirements for the class to Cadets.

Cadets must pass each exam with a minimum score of 75% on all exams requiring a numerical evaluation. Exceptions to this requirement are:

- Cadets must successfully demonstrate competency and safety in the operation of driving an emergency vehicle during the Emergency Vehicle Operations Course and demonstrate proficiency on an EVOG course approved by the Director with an average of 70% or greater.
- Cadets must successfully demonstrate competency and safety in the handling of his or her service weapon and demonstrate proficiency over a course of fire approved by the Director with an average of 80% or greater. Cadets must also fully participate in 75% of the Firearms classes.
- Cadets must successfully demonstrate competency in defensive tactics by completing all of the critical areas of the Academy's Mechanics of Arrest, Restraint and Control program with a cumulative average of at least 80% or greater on the final exam and MARC practical scenario. Cadets must also fully participate in 75% of the MARC classes.
- Cadets must maintain a passing professional score with an accumulative average of 80% or greater. This score is a reflection of the Professional Value System, as explained in this Cadet Orientation and Curriculum Guide.
- Cadets must achieve a passing Physical Fitness Assessment Test at the 50% percentile in each of the physical fitness assessment categories, as explained in the Cadet Orientation and Curriculum Guide.

All performance-based assessments, whether written or experiential, shall meet the minimal level of proficiency and competency as established by the individual curriculum. An example would include the Intoxilyzer block of instruction, which requires a Maine Criminal Justice Academy certification.

If the Cadet fails to improve to an acceptable level of performance after reasonable efforts have been made, and the Cadet has been placed on Academic Probation, the BLETP Training Coordinator will review the case for a recommendation to the Academy's Director of possible dismissal. Termination from the Academy may be the result of any academic failure or performance falling below satisfactory.

### **Examination Failure**

Each time a Cadet fails an examination e.g. obtains a score less than 75%, the BLETP Training Coordinator will meet with and issue the Cadet a memorandum of Academic Notice. The BLETP Training Coordinator will develop a make-up exam attempting to cover the same course topics within reason of available test questions.

### **Remedial Instruction**

Cadets who experience academic difficulty are encouraged to seek guidance. Academy instructors are always ready to assist Cadets. It is the responsibility of each Cadet, having difficulty, to seek assistance from either an instructor or a staff member. Before a make-up exam and after an exam failure, a remedial training plan will be submitted by the Cadet to the BLETP Training Coordinator to approve, in order that the appropriate subject matter is reviewed. This plan will be documented and placed in the Cadet's academic file.

Cadets who are having personal difficulties that are having a detrimental effect on their Academy performance are encouraged to seek guidance from a member of the BLETP Staff. Any member of the BLETP Staff who is approached in this manner will be available for assistance, advice, and guidance.

### **Make-up Examinations**

Although Cadets are required to pass all weekly and major exams, the original exam score shall be the only score of record. No more than 2 make-up exams will be administered.

### **ACADEMIC NOTICE**

If a Cadet fails to demonstrate and maintain a satisfactory level of performance in any exam, the Cadet shall be placed on Academic Notice. Any Cadet having difficulty in any course, at any time, may be placed on Academic Notice. Difficulty is defined as:

- Anytime a score falls below 75% on an exam.
- The grade does not meet the established critical score.
- The accumulative academic average falls below 75%.
- Performance falls below satisfactory.

The BLETP Training Coordinator will discuss the problem and issue the Cadet a memorandum of Academic Notice. The Cadet will sign the notice indicating its receipt. The Cadet will be expected to seek appropriate remedial help to attain an acceptable level of achievement. The Academic Notice will be placed in the Cadet's training file. The Cadet will be expected to seek appropriate remedial help to attain an acceptable level of achievement.

### **ACADEMIC PROBATION**

Cadets having problems that are adversely affecting their overall Academy performance may be placed on Academic Probation for continual evaluation. The Cadet and a designated Cadre member will work closely together to identify and overcome the obstacle(s) responsible for the Cadet's poor performance. The Cadet will remain on Academic Probation until it can be satisfactorily demonstrated that the problem(s) has been overcome. This is designed to assist Cadets in overcoming their problems and to bring their performance up to an acceptable level.

Anytime a Cadet fails a make-up exam, following an initial exam failure in any weekly exam, or fails more than three (3) initial exams, that Cadet will be placed on Academic Probation and the BLETP Training Coordinator will review the Cadet's academic record for a recommendation to the Academy Director of a possible dismissal from the Academy.

The BLETP Training Coordinator will issue all Academic Probation notices and notify the Academy Director. The Cadet will sign the memorandum indicating its receipt. Notices of Academic Probation will be forwarded to the Cadet's Chief Law Enforcement Officer.

### **Final Academic Grade Average**

All academic exams and quizzes, unless notified by an instructor in a course, will be included in the Cadet's overall final grade average based on the following scale.

Major exams	10%
Weekly exams	70%
Quizzes	15%
Vocabulary Quizzes	5%

Major exams will include the Mid-Term Exam and Final Practical Week Cumulative Score (except the MARC scenario during practical week).

Grades from make-up examinations will not be included in the Cadet's overall final grade average.

The Academy will award the Academic Proficiency Award at the end of the program. The award will be given to the Cadet who has the highest overall final academic grade average, as outlined in the Academic section of this manual.

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## FIREARMS

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All Cadets will be required to successfully demonstrate competency and safety in the handling of his or her service weapon and demonstrate proficiency over a course of fire approved by the Academy Director with an average of 80% or greater.

### **Firearms Program Goals and Objectives:**

The Academy firearms training program is intended to meet the needs of the first time shooter, as well as the experienced marksman. Each Cadet will learn from the program instruction, which focuses on development of the proper mental attitude and skills essential for becoming totally familiar and competent in the use of firearms. Emphasis will be placed on the principles of handgun shooting, care, cleaning and safety. In order for the Cadet to successfully complete the Academy firearms program, the Cadet must fire two consecutive courses of fire, on the Academy approved course of fire, with an 80% accuracy rate, and be deemed competent and safe to handle firearms by the lead firearms instructor for the range.

Detailed topics include: Firearms nomenclature, safety procedures, cleaning procedures, serviceability checks, safe drawing techniques, marksman techniques, safe unloading techniques, proper double action shooting techniques, low light shooting techniques, proper procedures for approaching and controlling a potential assailant in close quarters, be able to recognize when it is appropriate to draw the weapon, proper use of verbal commands in use of force situations, and the justification for the use of deadly force.

### **Firearms Training Program Guidelines:**

The Academy firearms training program consists of both a classroom and practical application phase.

The one-day classroom phase involves: discussion on firearms nomenclature and operating principles, a safety briefing covering safety at the range, at work, and at home, drawing and shooting techniques, range rules and commands, malfunctions, and the care and cleaning of the firearm. Cadets are required to be familiar with range safety rules and sign an acknowledgement form, confirming that fact, prior to advancing to the practical stage of training.

The 40-hour practical training is conducted on the firearms range for a portion of the Cadets until all Cadets have attended. Instructors evaluate Cadets each day for progress and adherence to safety procedures. The practical stage of training includes, the learning of skills discussed in the classroom stage of training.

Cadets who have repeated safety violations may be asked to leave the range for the safety of all attending the training, and may be subject to discipline as outlined in this manual. Cadets will be required to fully participate in 75% of the firearms exercises and it will be the responsibility of any Cadet who missed more than 25% of the firearms exercises to coordinate a make-up of the training missed from a certified Academy Firearms Instructor.

The Academy will award the Sid Bridges Firearms Proficiency Award at the end of the program. The award will be given to the Cadet who has the highest final score during the BLETP Firearms Course at the end of the firearms practical week.

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## EMERGENCY VEHICLE OPERATION COURSE

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The Academy's Emergency Vehicle Operation Course (EVOC) training program acquaints the Cadets with techniques that are safe, effective, and critical to being a successful emergency vehicle operator. The major goal of this program is to develop basic and critical driving skills during routine operation, emergency response, and motor vehicle pursuit.

### **EVOC Program Goals and Objectives:**

Each Cadet will learn safe, efficient, and effective techniques for emergency vehicle operation. The Cadet will understand the factors relative to defensive driving. Emphasis will be placed on the skills, attitudes, and techniques for safe emergency and pursuit driving, legal limitations and responsibilities of emergency vehicle operation as prescribed by law, alternatives to high speed pursuit driving and techniques for driving with blue lights and siren. Each Cadet will understand the limitations and potential performance of the police vehicle and how the prevailing environment affects it, understand the danger of increased speed and the affect it has on vehicle dynamics, learn to use all of the vehicle capabilities within acceptable limits as defined by Maine Law, learn the basic vehicle dynamics of the emergency vehicle and understand his/her own personal limitations.

### **EVOC Training Program Guidelines:**

The EVOC training program consists of classroom lectures describing driving systems, crash avoidance, vehicle control techniques, vehicle dynamics, night driving, high speed driving, emergency response driving, pursuit driving, Maine Motor Vehicle Law, and liability issues.

The EVOC practical exercises encompass sixteen driving exercises over a 40-hour period; there are night driving exercises that are required. Vehicle Clearance and Diminishing Lane exercises do not count towards the final grade, as these exercises teach skid control and visual techniques that will be used by the Cadets as the week progresses.

The remainder of the driving exercises are presented in progressive order with each exercise building on the skills acquired from the previous one. Driving exercises are broken up into two distinct groups: subjective, where an instructor evaluates the Cadet and objective, where students achieve a result through a timed run. Each exercise is preceded by a short description and demonstration by the instructor staff. Demonstration is followed by observation and instruction of the Cadets performance; practice time is afforded with additional observation and instruction prior to testing on the specific exercise.

The thirteen scored exercises and their corresponding percent point value toward obtaining a final grade are as follows.

- 1 – Serpentine 3%
- 2 – Backing 7% (Timed exercise)
- 3 – Brake and Turn 3%
- 4 – Turn-Around Maneuvers 3%
- 5 – Reverse Serpentine 3% (Timed exercise)
- 6 – Evasive Maneuver 5%
- 7 – Evasive Maneuver with Brakes 5%
- 8 – Right Hand Curves 7%
- 9 – Night Obstacle Course 15% (Timed exercise)

- 10 – Left Hand Curves 7%
- 11 – Day Apprehension Course 10%
- 12 – Night Apprehension Course 20%
- 13 – Precision Obstacle Course 12% (Timed exercise)

At the conclusion of the prescribed course of instruction a Cadet's converted scores will be added together to obtain a final grade. The Cadet must obtain a minimum final grade of 70% to successfully complete the driving portion of EVOC.

The Academy will award an Emergency Vehicle Operations Course Proficiency Award at the end of the program. The award will be given to the Cadet who has the highest final score during the BLETP Emergency Vehicle Operation Course.

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## PHYSICAL FITNESS AND WELLNESS

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Physical fitness and wellness should be of extreme importance to Academy Cadets. Cadets will find this to be true not only with respect to law enforcement activities, but because it will keep them fit for life. The Academy's Fitness Program's purpose is to develop a fit and healthy law enforcement officer with habits relating to good health and longevity.

Recent studies have shown that lack of exercise is a major risk factor of cardiovascular disease. Stress and high blood pressure are major contributors to a low life expectancy for law enforcement officers. The Academy Physical Fitness Training Program will attempt to instill a commitment to lifetime fitness in each Cadet. The program is designed to challenge Cadets with exercise that is safe and effective to improving their overall fitness level.

The Cadre will mentor Cadets to ensure that physical fitness and wellness is of extreme importance to Cadets. It shall be the policy of the Academy that all fitness training will be safe and based on sound, accepted principles.

### **Physical Fitness Training Program Goals and Objectives:**

The major goal of the Academy Physical Fitness Training Program is to implant the concept of lifetime fitness while increasing muscular strength and endurance, cardiovascular endurance, and flexibility in the safest, most efficient manner possible.

National studies have stated that law enforcement officers should be as fit as at least 50% of the population. The Academy's Board of Trustees has established that each Cadet must achieve the 50<sup>th</sup> percentile in three fitness areas by the end of basic training to graduate. These categories of fitness are muscular strength, muscular endurance, and cardiovascular endurance. Each Cadet will be tested prior to starting basic training, mid-way, and near the end of training in the above areas by performing one-minute pushups, one-minute sit-ups and 1.5 mile run.

As part of the program, Cadets will learn safe, efficient concepts and methods of improving and maintaining their lifetime fitness level. Cadets will develop confidence and a sense of well-being through their participation. Cadets should also understand the difference between fitness and health. The Cadre can help them understand the difference in many different ways such as talking about experience with law enforcement officers who have heart problems. Finally, the Cadet should understand the connection between physical fitness and job performance.

### **Physical Fitness Program Guidelines:**

The Cadet Physical Fitness Training (PFT) program is designed to follow the Cooper Institute of Aerobics Research's eight-step approach. The medical screenings and fitness assessments were completed prior to entrance into the training program. The lifetime fitness lecture help Cadets to set goals for themselves, develop an exercise prescription, utilize a progressive exercise program, and receive fitness and nutritional education with continued feedback or reevaluation. The Cadre will also help provide motivation during the first half of basic training. Cadets will then motivate each other during the latter half of training.

The PFT program will consist of classroom lectures, as well as a daily Cross Fit, aerobic and callisthenic conditioning program. Muscular strength and endurance-conditioning program will be scheduled at least twice a week in conjunction with some type of aerobic conditioning usually in the form of circuit training. The emphasis is on total body conditioning. The total program will address the basic five health related components of fitness along with those skill-related components that are necessary to perform the job of a law enforcement officer.

Workout guidelines will utilize the FITT approach. Frequency, Intensity, Time (duration), and Type of exercise are important concepts that will be used in each workout. Additionally workouts will be modeled to Cross fit. This conditioning program utilizes constantly varied, multifunctional movements with emphasis on intensity. Workouts are designed to incorporate the development of cardiovascular endurance, anaerobic power, body composition, flexibility, and muscular strength and endurance.

Severe, inclement weather could result in the need to alter the prescribed schedule and it may be adjusted, but PFT training will not be cancelled. The Academy's PFT program is strenuous and Cadets will often graduate in the best shape of their life. Although the program is challenging, most Cadets look forward to and enjoy the progressive fitness programming. The progression to the final assessment will be closely monitored by periodic physical assessments and counseling sessions.

The Academy gives the Charles Howe IV Physical Fitness Proficiency Award at the end of the program to the "fittest" Cadet. To win this award, the Cadet must participate in the physical fitness program of the scheduled classes **AND** must achieve the highest average in the 3 tested categories (1.5 mile run, 1 minute push-up test and 1 minute sit-up test.) during either the mid-term PFT or the final PFT (worth 80% of the final grade) **AND** the entrance PFT (worth 20% of the final grade). The final fitness grade determines the cadet's score for both the Award of Physical Fitness and grade for physical fitness. All Cadets must attend and participate in all PFT training sessions, unless they are prohibited or restricted by a qualified medical person.

The Academy gives the "Randall A Parsons Iron Man Award" that will be presented to the Cadet demonstrating the most heart and motivation during the training program as documented by the Cadre throughout the program.

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## MECHANICS OF ARREST, RESTRAINT AND CONTROL

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The Academy's Mechanics of Arrest, Restraint and Control (MARC) Training Program acquaints the Cadets with techniques that are safe, effective, and critical to being a successful law enforcement officer. The major goal of this program is to develop sound officer survival techniques in each Cadet.

### **Mechanics of Arrest, Restraint and Control Program Goals and Objectives:**

Each Cadet will learn both safe and efficient techniques for officer survival. Each Cadet will learn how to manage uncooperative subjects. Understanding the use of force and the proper method of escalating force will be a major topic within the program. The ability to show restraint when exposed to physical aggression is among the basic principles that are conducive to officer safety. As a requirement of graduation, every Cadet must attend and fully participate in 75% of MARC Training classes and be able to demonstrate competency by successfully completing all of the critical areas of the Academy's MARC program with a cumulative average of at least 80% for the final exam. Also as a requirement of graduation, a Cadet must be able to demonstrate proficiency during the MARC scenario practical at 80% using skills taught in MARC, such as: proper use of force, proper control techniques, proper searching, proper handcuffing techniques of a suspect and being able to articulate the reason for every use of force. No more than 2 make-up MARC practical scenarios will be offered.

### **Mechanics of Arrest, Restraint and Control Program Guidelines:**

The BLETP MARC Program consists of classroom lectures describing safe and efficient techniques, officer survival, subject management, safety, use of force and escalation of force as well as practical application sessions.

There are warm-up sessions before each training session of practical application. This will be consistent with the guidelines outlined under the physical fitness program.

A progressive method of instruction of several training sessions during each week will place heavy emphasis upon repetitive training. Repetitive training will help induce the change from conscious to subconscious response. After instruction, explanation and demonstration, all Cadets will be required to duplicate the learned techniques to the satisfaction of the instructors.

Scoring for the final exam and the practical scenario will be based on the 1-5 scale with 1 = 60%, 2 = 70%, 3 = 80%, 4 = 90% and 5 = 100 %.

The Academy will award a MARC Proficiency Award at the end of the program. The award will be given to the Cadet who has the highest average score on the final practical exam, which equals 80% of the award, and the highest score on the practical scenario, which equal 20% of the award. To win this award, the Cadet must also participate fully in the MARC training program for at least 75% of the scheduled classes.

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## PROFESSIONAL VALUE SYSTEM

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The core values (beliefs) of today's Cadet have long been considered one of the most difficult areas of instruction for Cadets. However, this domain of training may well be the one that law enforcement supervisors and managers, as well as taxpaying citizens, are most concerned with. This difficult portion of training may also be the most important part of basic law enforcement training.

To assist with the difficulty of instilling the proper characteristics and attitudes into Cadets, the Academy has initiated a highly focused, continuously reinforced "Professional Value" training program.

From the beginning of the Academy, "Professional Values" become a part of the Cadet's "Need to Know" information. All Cadets are required to memorize each "Cadet Performance Measure." Cadets are made specifically aware that these Cadet Performance Measures are provided to them as a road map to later be successful within any law enforcement agency. All aspects of the training experience are anchored in continuous and repeated emphasis on these basic values. If a Cadet's behavior or attitude is found to be lacking, the divergence from these basic values is emphasized when corrective action is taken.

The Academy firmly believes this "value-based" behavioral training is vital to the future greatness of law enforcement officers in the State of Maine.

Cadets are responsible for their attitude and performance throughout the training program. All Cadet activities are centered on reinforcement of the Cadet Performance Measures. As an example, Cadets are required to maintain their billet area in an immaculate condition. This is not done to demean the Cadets or to provide "busy work." It is done to reinforce the professional value of "Attention to Detail". Discussions about the connectivity of various Cadet work details to the Professional Values are ongoing and serve as positive reinforcement.

To ensure that Cadet Performance Measures are kept, the Cadre evaluate each Cadet throughout the training program and make up part of the overall professional value score for each Cadet. Peer evaluations are normally done every week by the Class Leaders and Detail Leaders and are not part of the overall professional value score for each Cadet.

Cadets are evaluated on their attitude and performance based on the following basic performance factors adapted from the "Law Enforcement Code of Ethics".

- **Ability to Perform Under Stress** – The Cadet is steady and well balanced under pressure while in unexpected or new situations. The Cadet does not transmit tension to subordinates when in a leadership position.
- **Association With Others** – The Cadet is not rigid, but adaptable and adjusts to changing conditions. The Cadet is receptive to new ideas and methods. The Cadet is cooperative when working with fellow Cadets, working together for the betterment of the whole.
- **Attention to Detail** – The Cadet pays close attention to every part of the task and does not leave loose ends.
- **Dependability** – The Cadet responds promptly to assigned details and other assignments in a proper manner.
- **Flexibility** – The Cadet is adaptable with a high degree of performance. The Cadet is able to make skillful mental comparison, show discretion, discernment and shows the ability to arrive at sound decisions. The Cadet is able to divide attention and handle several tasks simultaneously and is always ready to handle any situation.
- **Initiative** – The Cadet has the necessary drive to achieve goals. The Cadet is ambitious and seeks improvement, a self-starter who requires minimum prodding and who is willing to make decisions.

- **Integrity** – The Cadet is ethical, trustworthy, and honest and willing to do what is right even when not under observation.
- **Personal Appearance** – The Cadet’s uniform always appears neat and well groomed. The Cadet displays pride in self and appearance. The Cadet presents self in a professional manner.
- **Receptive to Supervision** – The Cadet accepts criticism from others while seeking guidance to improve performance.
- **Self-discipline** – The Cadet is above reproach while being constructive, cooperative, prompt, loyal, and not cynical. The Cadet has the ability to develop enthusiasm among fellow Cadets. He/she is respectful of peers, Cadre, staff, instructors, and all other people that the Cadet meets.

### **Staff Performance Evaluations:**

The Cadre Supervisors and Cadre will complete a consensus a Staff Performance Evaluation for each Cadet three (3) times during the BLETP training program starting with the 2<sup>nd</sup> week. The Senior Cadre Supervisor reviews all performance evaluations completed by the staff. When a Cadre member rates a Cadet as anything other than acceptable, the reason is documented in the comment section of the report.

An acceptable rating is defined as any score above two (2) and less than five (5). An unacceptable rating is defined as a score of one (1) in a “Basic Professional Value” area. A score of two (2) is defined as needing improvement. An outstanding rating is defined as a score of five (5).

To better understand the score system, the scores are further described below:

- **5 (100%) – OUTSTANDING**, substantially exceeds requirements as outlined by the Academy staff and the Cadet Orientation and Curriculum Guide.
- **4 (90%) – VERY GOOD**, exceeds requirements as outlined by the Academy staff and the Cadet Orientation and Curriculum Guide.
- **3.5 (85%) – GOOD**, performs task and assignments above the bare minimum as outlined by the Academy staff and the Cadet Orientation and Curriculum Guide.
- **3 (80%) – SATISFACTORY**, performs tasks or assignments at the bare minimum as outlined by the Academy staff and the Cadet Orientation and Curriculum Guide.
- **2 (70%) – NEEDS IMPROVEMENT**, doesn’t always meet the minimum requirements as outlined by the Academy staff and the Cadet Orientation and Curriculum Guide.
- **1 (60%) – UNACCEPTABLE**, rarely meets the “Basic Performance Factor” as outlined by the Academy staff and the Cadet Orientation and Curriculum Guide.

### **Cadet Performance Evaluations:**

The Cadet Class Leader will complete a Cadet Performance Evaluation (CPE) on the Platoon Leader(s) and Guidon to cover the week of responsibility before leaving on weekend leave. The Platoon Leaders will complete a CPE on the Class Leader, Squad Leaders, and assigned Detail Leaders to cover the week of responsibility before leaving on weekend leave. Each Cadet Squad Leader will complete a CPE for respective squad members and each Detail Leader will complete the CPE to cover their week of responsibility before leaving on weekend leave. Should a Cadet Leader rate another Cadet as anything other than acceptable, the reason is documented in the comment section.

Ratings will be either: **Unacceptable (U), Needs Improvement (NI), Acceptable (A) or Exceeds Expectations (E).**

The Senior Cadre Supervisor reviews all Cadet Performance Evaluations. Periodically, each Cadet will be counseled on his or her performance evaluations based on the documented information.

### **“Gig and Demerit” System:**

Following the second week of the BLETP, a "gig and demerit" system will commence to deal with the Cadet who displays minor infractions of conduct. For major or Honor Code violations, a demerit(s) may be issued at any time during the program. This system along with “physical exercise” behavior modification will continue throughout the remainder of training. A "**gig**" is defined as a component of the professionalism score and given for a minor infraction of the Cadet’s conduct. These infractions include, but are not limited to the various guidelines found in the Cadet Orientation and Curriculum Guide.

The “gig” and “gig memo” are an integral part of the BLETP during his/her training. This part of the Cadet’s training is one of the most misunderstood and confusing components while at the Academy. On the surface, most think that the gig is a punitive measure and the gig memo further penalizes the Cadet for the initial violation. The gig and the gig memo have, in fact, very little to do with penalizing the Cadet. This has many built in components that the Cadet will use in his/her everyday life as a law enforcement officer. The gig memo is largely structured to accomplish report writing skills, problem solving, use of resources, communication, and following directions. It is extremely important that during the Cadet’s training that he/she master these tasks to be an effective, competent law enforcement officer. The Cadet Orientation and Curriculum Guide govern every moment while at the Academy. In the manual, the Cadet finds rules and regulations ranging from wearing of the uniform, to personal conduct and accomplishing details assigned to them. Everything the Cadet needs to know to successfully complete the Academy is in the manual. Every line is numbered for the Cadet for further reference while writing the gig memo.

When the Cadet is found to be in violation, he/she will normally be issued a “gig.” This does not prevent a Cadre from issuing up to four (4) gigs, keeping in mind the progressive order of discipline. This is to remind the Cadet of the rules and to ensure that the violation will not occur again. The Cadet will be advised as soon as possible that a Cadre member has issued a “gig.” Gig cards will be maintained by each Cadet. Gig cards are subject to review by the Cadre Staff at any time. The Cadre will record the “gigs” into the official training record of the Cadet. Once the gig is issued, the Cadet is required to write and submit a memo to the Senior Cadre Supervisor, outlining the violation. The structure, content, and format of the memo is fixed and designed specifically to accomplish the above stated goals. Therefore, this memo’s structure, content, and format are strictly adhered to and scrutinized by the Cadre staff. The Cadet is given a data disk or in hand, a sample, which has the correct spacing, font and format. At the discretion of the Cadre staff, Cadets may be required to submit memos by handwriting them, which may be in addition to a type written or electronic version. An instructional class will be given to the Cadets outlining the process and form. This memorandum will be submitted through the chain of command prior to 0800 hours on the day following the violation for review and/or correction or as directed by the Cadre staff because of unique and unforeseen situations.

If the Cadre finds that the memo is incorrect, they will indicate the mistake made and give a suggested correction. It will then be turned back for correction and another gig may be issued for not completing the assignment properly. The Cadet will then make the necessary correction(s) and resubmit for review again. This process continues until such time that the task is completed satisfactorily. If the memo is correct on the initial submission it will be approved and filed in the Cadet’s file.

A "**demerit**" is defined as a permanent mark made against the Cadet's training record for disciplinary reasons that involve Cadet behavior of a more severe nature. Cadets may be assessed one demerit equal to five gigs, or up to five demerits (25 gigs) by the Academy Director for a serious violation of any of the Academy’s Rules and Regulations. Cadre Supervisors shall conduct an investigation for allegations of Serious Misconduct and issue a report of the incident to the Cadet Disciplinary Officer. Upon receipt of the investigative report, the Cadet Disciplinary Officer will review the incident and follow the guidelines in the Cadet Disciplinary Code outlined in this manual. A copy of the demerit(s) will be placed in the Cadet's training file and another one forwarded to the Cadet’s Chief Law Enforcement Officer by the Academy Director.

As part of the positive systematic method of behavior modification employed at the Academy and to have a positive learning outcome and deterrent effect, the Professional Value score will be discussed during the BLETP Staff evaluation meeting along with other areas of class standing.

Demerits shall not be worked off and will stand in the Cadet's permanent training record. Total accumulated gigs will also be reflected in the Cadet's Professional Value score.

### **Professional Notice:**

Any Cadet having difficulty meeting the prerequisites for any aspect of "Professional Values" may be placed on **Professional Notice**. Difficulty is defined as:

- Unacceptable evaluations (see next paragraph) due to Staff Leadership Evaluations, and/or
- Excessive accumulation over 75 gigs.

A Cadre Supervisor will discuss the deficiency in professionalism. The Cadre Supervisor may recommend to the Cadet Disciplinary Officer to issue a **Professional Notice**. The **Professional Notice** will advise the Cadet that he/she may be required to appear before the Cadet Disciplinary Officer for review of their professional score. The **Professional Notice** will indicate what the notice is for, such as an excessive accumulated number of gigs or deficient evaluation issue. The Cadet will sign the **Professional Notice** indicating its receipt. The Cadre will be notified of this action. If the Cadet has not turned around regarding the unacceptable behavior by the 9<sup>th</sup> week, the Director will contact the Cadet's agency.

### **Professional Warning:**

Any Cadet having difficulty meeting the prerequisites for any aspect of "Professional Values" after having been given a **Professional Notice** may be placed on **Professional Warning**. Difficulty is defined as:

- Two consecutive unacceptable evaluations (see next paragraph) due to Staff Leadership Evaluations, and/or
- Excessive accumulation over 100 gigs.

A Cadre Supervisor will discuss the deficiency in professionalism. The Cadre Supervisor may recommend to the Cadet Disciplinary Officer to issue a **Professional Warning**. The **Professional Warning** will advise the Cadet that he/she may be required to appear before the Cadet Disciplinary Officer for review of their professional score. The **Professional Warning** will indicate what the notice is for, such as an excessive accumulated number of gigs or deficient evaluation issue and that if behavior is not modified the Cadet may be terminated from the Academy. The Cadet will sign the **Professional Warning** indicating its receipt. The Cadre will be notified of this action. The Academy Director will ensure that the Cadet's agency is notified of the Cadet's **Professional Warning**. The Cadet Disciplinary Officer may require the Cadet on **Professional Warning** to document their performance weekly by memorandum to the Cadet Disciplinary Officer.

An accumulation of 175 gigs by a Cadet may result in suspension from the Academy. At a minimum, the Cadre will indicate to the Cadet that further disciplinary action in excess of 175 gigs will result in a recommendation to the Academy Director for dismissal from the Academy.

The Cadet Disciplinary Officer will make a review of the Cadet's evaluations and disciplinary file. If it is determined that termination is the best course of action, the Cadet Disciplinary Officer will recommend to the Academy Director dismissal of the Cadet from the Academy. The Academy Director may refer the matter to the Board of Trustees for their review and determination. In all cases, the Academy Director will ensure that the Cadet's agency is notified of the Cadet's excessive accumulated gigs.

The **Professional Notice/Warning** is designed to assist a Cadet in overcoming problems regarding violations of Cadet procedures and rules and to bring their performance up to an acceptable level.

**Minor Infractions:**

If a Cadet is deficient or commits a minor infraction, such as failing to pass an item during inspection, the Cadet will be assigned discipline, usually a “gig.” The Cadet will note all gigs on the Cadet’s gig card. The Cadet will note what the infraction was, what the discipline was and who assigned it. For other than the performance of remedial physical exercise, Cadets will also document their gigs by submitting a memorandum to the Cadre Supervisors with the details of the incident as described in the Gig and Demerit System section.

**Professional Score:**

A Cadet’s professionalism score is a reflection of the Cadre Performance Evaluations of the basic performance factors and the accumulated total of their “gigs.” To emphasize further, the detrimental effect of poor performance as it relates to Professional Values and a law enforcement officer’s job, accumulated gigs and professional score will be documented in a Cadet’s Academy training record.

The final “Professional Value” score is determined based on the following scale:

Cadre Performance Evaluations	70%
Accumulated Gigs	30%

The Academy’s Board of Trustees, in Specification S-1 on Professional Values, requires a passing score of 80% to graduate from the Basic Law Enforcement Training Program.

The Academy gives the Frank E. Poirier III Professionalism Proficiency Award at the end of the program. The award will be given to the Cadet who has the highest score in professionalism, based on the Cadre Performance Evaluations and Accumulative Gig totals, as described in the section.

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## SUCCESSFUL COMPLETION

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Cadets who successfully complete the required training course and meet all requirements of the Board of Trustees will graduate at a ceremony held on the final day of scheduled instruction. Cadets not meeting all requirements will not be allowed to take the Law Enforcement Officer Certification Exam.

Cadets may invite family and friends to attend this ceremony.

The Academy Director will select a keynote speaker for graduation.

If time allows, the Cadre will provide for a tour of the training facilities for the Cadet's family and friends on the day of graduation.

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## INCENTIVE AWARDS

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### **Academic Proficiency Award**

An award will be presented to the Cadet with the highest overall final academic grade average, as outlined in the Academic section of this manual.

### **Combined Skills Award**

An award will be presented to the Cadet with the highest overall final grade average of the five (5) skill areas, specifically: Firearms, EVOC, Physical Fitness, MARC and Professionalism.

### **Firearms Proficiency Award (Sid Bridges Award)**

An award will be presented to the Cadet demonstrating the greatest skill and ability in combat firearms training, as outlined in the Firearms section of this manual.

### **Emergency Vehicle Operations Course Proficiency Award**

An award will be presented to the Cadet demonstrating the greatest skill and ability in Emergency Vehicle Operations Course, as outlined in the EVOC section of this manual.

### **Physical Fitness Proficiency Award (Charles Howe IV Award)**

An award will be presented to the Cadet with the highest average percentile of the 3 testing categories, i.e.: 1.5 mile run, 1 minute push-up test and 1 minute sit-up test, as outlined in the Physical Fitness section of this manual.

### **Randall A. Parsons Iron Man Award**

An award will be presented to the Cadet demonstrating the most heart and motivation during the training program, as documented by the Cadre throughout the program.

### **Professionalism Proficiency Award (Frank E. Poirier III Award)**

An award will be presented to the Cadet demonstrating the highest score in professionalism during the training program. The award will be based on the Cadre evaluations and the number of gigs earned, as outlined in the Professionalism Value System section of this manual.

### **Mechanics of Arrest, Restraint and Control Proficiency Award**

An award will be presented to the Cadet demonstrating the highest level of proficiency for Mechanics, Arrest, Restraint and Control at the end of the program, as outlined in the MARC section of this manual.

### **Jeffrey S. Parola Tuition Cadet Award**

An award will be presented to the Tuition Cadet demonstrating the best attributes for a law enforcement officer, as determined by the BLETP Staff. Staff will consider the scores in each of the MCJA categories, as well as overall attitude, drive and ambition of the Cadets.

### **Valedictorian Award (James L. Hadley Award)**

An award will be presented to the Cadet with the highest overall final grade average of academics and critical skills, which includes:

Academic Proficiency – 50%.

EVOC Proficiency – 10%.

Firearms Proficiency – 10%.

Physical Fitness Proficiency – 10%.

MARC Proficiency – 10%.

Professionalism Proficiency – 10%.

**Note: If an officer wins any of the above awards and is later decertified by the MCJA Board of Trustees, the award and/or plaque will be taken away.**

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## RESIGNATION

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### **Voluntary**

Should a Cadet wish to resign, a BLETP staff member must be first notified. Arrangements will be made to have the Cadre Supervisor, the BLETP Training Supervisor, Assistant Academy Director and/or the Academy Director conduct an exit interview to determine the Cadet's reason(s) for resignation. Every attempt will be made to encourage the Cadet to complete the training program. Cadets will need to know how leaving the training program can affect their employment with their hiring agency.

### **Involuntary**

Grounds for involuntary separation from the Academy may result from poor performance in areas including, but not limited to: academics; skill performance; behavior; violation of Academy rules and regulations; and excessive gigs and demerits.

In all such cases, the Cadre Supervisor and/or the BLETP Training Supervisor will review each case before making a recommendation to the Academy Director.

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## DAILY SCHEDULE

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0530 Hours	Reveille
0600 Hours	Drill
0635 Hours	Detail Assignments
0650 Hours	Posting of Colors and Formation For Morning Meal
0700 Hours	Morning Meal
0750 Hours	Formation For Morning Classes
0755 Hours	Posting of Classroom Colors
0800 Hours	Morning Classes
1150 Hours	End of Morning Classes
1155 Hours	Formation For Noon Meal
1200 Hours	Noon Meal
1250 Hours	Formation For Afternoon Classes
1300 Hours	Afternoon Classes
1550 Hours	End of Afternoon Classes
1600 Hours	Fitness Training
1720 Hours	Formation For Evening Meal
1725 Hours	Evening Meal
1815 Hours	Evening Classes and/or Staff Directed Activity
2015 Hours	Study, Self-Improvement Time or Details (see weekly schedule for hourly slot)
2215 Hours	Lights Out (Taps)

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## COURSE FUNCTIONAL HOURS

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### ORIENTATION

Unit #	Subject Area	Hours
1.1.0	Orientation to Basic Training	5
1.2.0	Note Taking, Study Habits, & Exams	1
1.3.0	Testing and Critiques	62
1.4.0	Program Evaluation	4
1.5.0	Graduation	8
1.6.0	Expectations for Behavior	1
1.7.0	Professional Value System	1
1.8.0	Harassment	2
1.9.0	Americans with Disabilities Act: Basic Awareness	2
1.10.0	Family Program (for family, not cadets)	-
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Section Total		86

## 2.0.0 PROFESSIONAL DEVELOPMENT

Unit #	Subject Area	Hours
2.1.0	History and Principles of Law Enforcement	2
2.2.0	Introduction to Community Policing and Crime Prevention	4
2.3.0	The Criminal Justice System	3
2.4.0	Civil Rights Issues	2
2.5.0	Police Ethics, Moral Issues and Discretion	6
2.6.0	Supervisor-Subordinate Relations	2
2.7.0	Cultural Diversity	2
2.8.0	Dealing with the Vulnerable	7
2.9.0	Leadership Development	2
2.10.0	Mental Health First-Aid	8
2.11.0	Implicit Human Biases	2
2.12.0	Below 100	4
<hr/>		
Section Total		45

### 3.0.0 LAW AND LEGAL ISSUES

Unit #	Subject Area	Hours
3.1.0	Constitutional Law	2
3.2.0	Seizures of Persons (including jurisdiction, extradition & fresh pursuit)	7
3.3.0	Search and Seizure	13
3.4.0	Admissions and Confessions	4
3.5.0	Maine Criminal Law and Investigations	35
3.6.0	Maine Juvenile Law and Youth Services	4
3.7.0	Maine Motor Vehicle Law	14
3.8.0	Maine Liquor Law	3
3.9.0	Use of Force	4
3.10.0	Civil Liability	2
3.11.0	Jurisdiction – (incorporated into Seizures of Persons)	-
3.12.0	Extradition & Fresh Pursuit – (incorporated into Seizures of Persons)	-
3.13.0	Title 12 Laws	3
3.14.0	Maine Motor Vehicle Inspection Laws	2
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Section Total		93

### 4.0.0 COMMUNICATION

Unit #	Subject Area	Hours
4.1.0	Interviewing Techniques	7
4.2.0	Stress Management	2
4.3.0	Interpersonal Communications / Relations	4
4.4.0	Crisis Conflict Management	8
4.5.0	Critical Stress Debriefing	2
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Section Total		23

## 5.0.0 TRAFFIC

Unit #	Subject Area	Hours
5.1.0	Traffic Law Enforcement	4
5.2.0	Traffic Direction and Control	2
5.3.0	Operating Under the Influence / Standardized Field Sobriety Tests	26
5.4.0	Electronic Speed Measurement	14
5.5.0	Crash Investigation	40
5.6.0	Hazardous Materials / Weapons of Mass Destruction	4
5.7.0	Intoxilyzer Operation and Certification	16
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Section Total		106

## 6.0.0 INVESTIGATION FUNCTION

Unit #	Subject Area	Hours
6.1.0	Principles of Investigation	2
6.2.0	Vacant	-
6.3.0	Identification of Suspects	2
6.4.0	Handling Physical Evidence	4
6.5.0	Securing & Processing the Crime Scene	7
6.6.0	Motor Vehicle Thefts	2
6.7.0	Informants	3
6.8.0	Surveillance	3
6.9.0	Identification and Handling Drugs	4
6.10.0	Injury and Death Cases	4
6.11.0	Child Abuse	3
6.12.0	Domestic Abuse and ODARA	12
6.13.0	Vacant	-
6.14.0	Gangs & Associated Activity	5
6.15.0	Sex Offenses	2
6.16.0	Computer Crimes	2
6.17.0	Arson Awareness	2

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Section Total	57
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## 7.0.0 PATROL

Unit #	Subject Area	Hours
7.1.0	Patrol Concepts, Preparation and Techniques	4
7.2.0	Radio and Telecommunication	2
7.3.0	Crimes in Progress	11
7.4.0	Stopping & Approaching the Violator	4
7.5.0	Roadblocks	2
7.6.0	Vacant	-
7.7.0	Complaints and Service Calls	4
7.8.0	Criminal Enforcement Interdiction	3
7.9.0	News Media Relations	2
7.10.0	Incident Control Command	3
7.11.0	High Risk Stops	9
7.12.0	High Speed Pursuits	2
7.13.0	Handling Bomb Complaints	3
7.14.0	Responding to Crisis Situations	7
7.15.0	Responding to Active Shooters Situations	7
7.16.0	Vacant	-
7.17.0	Carrying Concealed	2
7.18.0	Officer Safety and Survival	4
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Section Total		69

### 8.0.0 PRACTICAL POLICE SKILLS

Unit #	Subject Area	Hours
8.1.0	Firearms	47
8.2.0	Note Taking and Report Writing	5
8.3.0	Tactical First Aid	7
8.4.0	Basic Water Safety and Rescue	2
8.5.0	Emergency Vehicle Operation	47
8.6.0	Mechanics of Arrest, Restraint and Control	59
8.7.0	Crowd Control and Civil Disorder	4
8.8.0	Lifetime Fitness	57
8.9.0	Courtroom Testimony and Demeanor	6
8.10.0	Basic Fingerprinting	7
Section Total		241
<b>BLETP TOTAL:</b>		<b>720 HOURS</b>

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## CADET NOTES

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE FIELD TRAINING PROGRAM |  
**NUMBER:** E-32

**EFFECTIVE DATE:** 11.02.2017 | **RECENT HISTORY:** TECHNICAL AMENDMENT (SPELLING CORRECTION)(11.02.2017); REVISED (09.26.2017); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (02.05.2009); FORMERLY G.O. 33S; 08.31.1999

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Field Training Program.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To select and train experienced Troopers to be Field Training Officers.
  - B. To require each probationary Trooper to participate in a Field Training Program, regardless of the probationary Trooper's prior law enforcement experience, to ensure that each probationary Trooper is consistently trained and fairly evaluated;
  - C. To ensure that each probationary Trooper works with at least two (2) Field Training Officers during the duration of the Field Training Program; and
  - D. To extend the duration of a probationary Trooper's Field Training Program when additional training needs or work performance deficiencies are identified.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Field Training Officer. "Field Training Officer" means a Maine State Police Trooper responsible for training and evaluating one or more probationary Troopers.
  - B. Field Training Officer Supervisor. "Field Training Officer Supervisor" means a Maine State Police Sergeant assigned by a Troop Commander to evaluate and document the performance of Field Training Officers and probationary Troopers working under the supervision of the Field Training Officers.
  - C. Recruit Training Troop ("RTT"). "Recruit Training Troop ("RTT") means the advanced Maine State Police School conducted at the MCJA for the purpose of providing advanced training and skills to Recruits.
  - D. Training Staff. "Training Staff" means the sworn Maine State Police personnel, including the Commandant, assigned to the Maine State Police RTT as staff members.

### IV. PROCEDURE

## 1. GENERAL

- A. The Maine State Police Field Training Program creates the opportunity for probationary Troopers to work with Field Training Officers in order to learn and apply practical aspects of law enforcement.
- B. The Field Training Program process must be duly supervised because initial experiences often shape a new Trooper's entire career.
- C. Each Trooper designated to be a Field Training Officer shall attend a course of instruction conducted by the Training Staff prior to performing the duties of a Field Training Officer.
  - 1. Troopers designated to be Field Training Officers shall attend refresher training each time a class of probationary Troopers graduates.
- D. Each Field Training Officer, Field Training Officer Supervisor, and Troop Commander shall receive a copy of the *Field Training Officers Program Instruction Manual*.
  - 1. During the course of a Fielding Training Program, each Field Training Officer, Field Training Officer Supervisor, and Troop Commander shall comply with the applicable duties and responsibilities established in the *Field Training Officers Program Instruction Manual*.
- E. Probationary Troopers shall work with, and be closely monitored by, at least two (2) Field Training Officers during the Field Training Program period.

## 2. PROGRAM DURATION AND WORK PERFORMANCE REQUIREMENT

- A. Probationary Troopers shall participate in the Field Training Program for a minimum of forty-five (45) working days, excluding vacation, sick leave, and compensatory time off.
  - 1. After thirty (30) working days, a Troop Commander may allow a probationary Trooper to perform the duties of a Trooper, and without the close supervision of a Field Training Officer, if:
    - a. Such is the recommendation of the Field Training Supervisor and both Field Training Officers assigned to work with the probationary Trooper;
    - b. The probationary Trooper has performed up to that point at an "acceptable level" or higher throughout the Field Training Program;
    - c. Prior written approval is obtained from the Operations Major;
    - d. A Field Training Officer is on duty and available to assist the probationary Trooper should the need occur; and
    - e. All other requirements in the *Field Training Officers Program Instruction Manual* are followed.
- B. During the Field Training Program, a probationary Trooper must perform basic police functions at an "acceptable level" or higher.
  - 1. If a probationary Trooper does not meet or exceed that standard, the duration of the program may be extended, at the Lieutenant Colonel's discretion, to a maximum of seventy-five (75) working days.

## 3. PROGRESS REVIEW

- A. The Troop Commander shall arrange to meet with both the Operations Major and the Lieutenant Colonel after at least thirty-five (35), but no more than forty (40), working days of the Field Training Program have elapsed.
- B. The Troop Commander shall bring each probationary Trooper's daily and weekly reports to the meeting and be prepared to discuss each probationary Trooper's progress in the program.
- C. The Lieutenant Colonel shall decide whether a probationary Trooper will be released from the Field Training Program after forty-five (45) working days, or whether alternative action should be taken, including:
  - 1. Extending the probationary Trooper's Field Training Program to a maximum of seventy-five (75) working days; or

2. Making a recommendation to the Colonel that the probationary Trooper be dismissed.
  - D. If the Lieutenant Colonel decides to extend the duration of a probationary Trooper's Field Training Program, the Lieutenant Colonel and the probationary Trooper's Troop Commander shall agree on specific remedial actions to be taken and a schedule for further review of the probationary Trooper's progress by the Lieutenant Colonel.
4. DISMISSAL FROM THE FIELD TRAINING PROGRAM
  - A. Grounds for dismissal from the Field Training Program include, but are not limited to:
    1. Failure to perform basic police functions at an "acceptable level" or higher;
    2. Failure to comply with, or violation of, one or more Maine State Police General Orders;
    3. A deficiency in attitude, appearance, professionalism, demeanor, ethical conduct, or ability to communicate and work with others; or
    4. As applicable, engaging in any of the conduct described in [25 M.R.S. sec. 2806-A, subsec. 5, Disciplinary sanctions](#).
  - B. A probationary Trooper may be dismissed, at the discretion of the Colonel, at any time during the Field Training Program.
5. PROBATIONARY TROOPER DISMISSAL NOTIFICATION AND PROCESSING
  - A. When the Colonel determines that a probationary Trooper is to be dismissed, the Colonel shall inform the Troop Commander of the Troop to which the probationary Trooper is assigned; the Troop Command then shall notify the probationary Trooper of the Colonel's decision.
  - B. The Troop Commander shall comply with [General Order E-83](#) and any other applicable State of Maine policies and procedures.
  - C. The Troop Commander shall forward all records of the probationary Trooper to the Department of Administrative and Financial Services, Security and Employment Service Center.
6. RESIGNATION OF PROBATIONARY TROOPER
  - A. If a probationary Trooper asks to resign from the Maine State Police, the Troop Commander of the Troop to which the probationary Trooper is assigned shall interview the probationary Trooper in order to:
    1. Ascertain the reason or reasons for the request; and
    2. Determine whether the request is voluntary.
  - B. Upon resignation of a probationary Trooper, the Troop Commander shall comply with [General Order E-83](#) and any other applicable State of Maine policies and procedures.
  - C. The Troop Commander shall forward all records of the probationary Trooper to the Department of Administrative and Financial Services, Security and Employment Service Center.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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# MAINE STATE POLICE GENERAL ORDER

## E-33

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING IN-SERVICE TRAINING AND OTHER PROFESSIONAL DEVELOPMENT OPPORTUNITIES

**EFFECTIVE DATE:** 11.07.2018

**RECENT HISTORY:** REFORMATTED AND REISSUED (11.07.2018); REVISED (09.26.2017); TECHNICAL CHANGE (10.04.2011); NEW (05.01.1994)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding in-service training and other such professional development opportunities.

### II. POLICY

1. The policy of the Maine State Police is to encourage and support the continuing professional development of Maine State Police sworn officers through the attendance of in-service training and other such professional-development opportunities.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

## **IV. PROCEDURE**

### **1. GENERAL IN-SERVICE TRAINING**

- A. General in-service training requirements must meet or exceed the requirements established by the Maine Criminal Justice Academy Board of Trustees pursuant to 25 M.R.S. § 2804-E, In-service law enforcement training.
- B. The Commanding Officer of the Maine State Police Training Unit shall develop and annually update a three-year plan for general in-service training.
  - 1. In addition, he or she shall conduct a needs assessment annually to identify specific training that should be offered in a timely fashion.
- C. Portions of the general in-service training may be designed for some or all sworn officers.
- D. The Commanding Officer of the Maine State Police Training Unit shall ensure that annual or semi-annual general in-service training courses are scheduled, and that all officers are scheduled to attend the courses.
  - 1. An officer assigned to attend a general in-service training course shall attend the course.
- E. The Commanding Officer of the Maine State Police Training Unit may explore and plan alternative methods of providing annual in-service training courses such as, for example, through regional training councils and through video courses of instruction.
  - 1. By whatever method general in-service training is provided, however, the training must be uniform and must be documented in accordance with this policy.

### **2. MAINE STATE POLICE SPECIALTY TEAM TRAINING**

- A. Maine State Police Specialty Team training shall be provided as set forth in the General Orders that govern the respective Maine State Police specialty teams.

### **3. MAINE CRIMINAL JUSTICE ACADEMY TRAINING**

- A. The Commanding Officer of the Maine State Police Training Unit shall ensure that a copy of Maine Criminal Justice Academy

training schedules is forwarded to each Maine State Police Troop and Unit.

1. The Commanding Officer of each such Troop and Unit shall ensure that each officer in the Troop or Unit receives a copy of the training schedules, or that each schedule is posted in a conspicuous place at the Troops' or Units' offices.

#### 4. OTHER PROFESSIONAL DEVELOPMENT OPPORTUNITIES

- A. Schedules permitting, officers may be approved to attend training courses offered by organizations other than the Maine State Police or the Maine Criminal Justice Academy, if the courses directly relate to current or future job assignments.
- B. Sworn officers are encouraged to participate in apprenticeship programs and other courses offered by accredited post-secondary undergraduate and graduate institutions, if such programs and courses will enhance the officers' professional performance.
  1. Troop and Unit Commanding Officers may adjust work schedules to enable officers who want to participate in such training to attend the training.

#### 5. TROOP- AND UNIT-LEVEL TRAINING

- A. Prior to conducting training at the Troop- or Unit-level, Commanders of such should consult with the Commanding Officer of the Maine State Police Training Unit about the subject matter of the training and the manner in which records of the training must be created and maintained.

#### 6. RECORDS OF TRAINING

- A. The Commanding Officer of the Maine State Police Training Unit shall track all training successfully completed by Maine State Police sworn officers.
- B. The Commanding Officer of the Maine State Police Training Unit shall issue a written report to the Lieutenant Colonel no later than January 15th of each year that accounts for all of the training sworn officers received during the preceding calendar year.
- C. The Commanding Officer of the Maine State Police Training Unit shall ensure that adequate records of training are maintained and appropriately archived.
  1. At a minimum, such records must account for:

- a. The name of each person who attended the training;
    - b. The name of each person who provided instruction at the training; and
    - c. The subject matter about which instruction was provided at the training.
  2. The Commanding Officer of the Maine State Police Training Unit shall acquire the necessary information to fulfill the requirements of this section for courses sponsored by the Maine State Police or the Maine Criminal Justice Academy.
- D. An officer who successfully completes training not provided by the Maine State Police or the Maine Criminal Justice Academy shall provide to the Commanding Officer of the Maine State Police Training Unit a copy of the certificate of attendance, certificate of course completion, or such other documentation that evidences attendance and successful completion of the training.

#### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



# MAINE STATE POLICE GENERAL ORDER

## E-34

**SUBJECT:** MAINE STATE POLICE AIR WING

**EFFECTIVE DATE:** 01.01.2019

**RECENT HISTORY:** AMENDED (01.01.2019); REVISED (01.29.2016); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (02.05.2009); FORMERLY G.O. 41D

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Air Wing.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To maintain an aircraft unit ("Air Wing") staffed by sworn personnel who are certified pilots; and
  - B. To use Maine State Police aircraft in accordance with this policy.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. C.F.I. "C.F.I." is an acronym for "Certified Flight Instructor."

- B. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
- C. F.A.A. "F.A.A." is an acronym for "Federal Aviation Administration."
- D. Traffic Safety Unit Commander. "Traffic Safety Unit Commander" means the Commanding Officer of the Maine State Police Traffic Safety Unit, or her or his designee.

#### **IV. PROCEDURE**

##### **1. USE OF MAINE STATE POLICE AIRCRAFT GENERALLY**

- A. Maine State Police aircraft only may be used for the following purposes:
  - 1. Traffic law enforcement and highway safety;
  - 2. Surveillance activities;
  - 3. Transportation of personnel and equipment for official business;
  - 4. Lost person and fugitive searches;
  - 5. Assisting other law enforcement agencies; and
  - 6. Other functions, as approved in advance by the Traffic Safety Unit Commander.

##### **2. AIR WING PERSONNEL COMPOSITION**

- A. The Air Wing shall consist of sworn personnel who are certified pilots and who are selected to be Air Wing members in accordance with this policy.
  - 1. Air Wing personnel may be assigned to other units as necessary, depending on the needs of the agency.

##### **3. REQUESTS FOR EMERGENCY AIR WING ASSISTANCE**

- A. The ranking Maine State Police officer at an incident controlled by the Maine State Police may request the emergency assistance of the Air Wing, as may the ranking sworn officer at such an incident controlled by that officer's agency.
- B. Requests for emergency Air Wing assistance are to be made through the Regional Communications Center of jurisdiction.
  - 1. A person requesting the assistance of the Air Wing shall provide as much information as possible to the RCC through

which the request is being made, including, but not limited to:

- a. The name of the person, the name of the person's agency (if applicable), and a call back number;
- b. A brief description of the nature of the incident to which the request relates;
- c. The proposed use of the Air Wing;
- d. The location of the incident to which the Air Wing is being asked to respond; and
- e. As much additional relevant information as possible.

- C. Upon receiving a request for emergency assistance of the Air Wing, the Traffic Safety Unit Commander – or, if the Traffic Safety Unit Commander is unavailable, then an Air Wing Pilot – shall decide whether the assistance is to be provided.

#### 4. REQUESTS FOR NONEMERGENCY AIR WING ASSISTANCE

- A. Requests for nonemergency Air Wing assistance are to be directed to the Traffic Safety Unit Commander, or directly to an Air Wing Pilot.

1. An Air Wing pilot receiving such a request will consult the Traffic Safety Unit Commander about the request and advise her or him if the flight is feasible.
2. The Air Wing Pilot assigned to the mission will have the final say as to whether the flight can be conducted.

- B. When a request for nonemergency Air Wing assistance is granted, the Air Wing Pilot assigned to the flight shall coordinate all activities with the requesting officer or contact person.

- C. All requests for non-emergency flights will be made as far in advance as possible.

#### 5. AIR WING-RELATED RESPONSIBILITIES OF THE TRAFFIC SAFETY UNIT COMMANDER

- A. The Traffic Safety Unit Commander shall administer the operations of the Air Wing and ensure:

1. That Air Wing aircraft are used in accordance with this policy and the *Maine State Police Air Wing Operations Manual*;
2. That Air Wing aircraft are properly maintained;

3. That each Air Wing Pilot maintains required certifications and qualifications;
4. That F.A.A. and manufacturer's recommendations for maintenance and inspection of equipment are followed;
5. That all Air Wing operations are conducted safely; and
6. That the Air Wing comply with Department of Public Safety and Maine State Police budgetary requirements.

B. The Traffic Safety Unit Commander shall provide the Colonel with an annual report of Air Wing activities no later than the last day of the month of January of the year following the year accounted for in the report.

## 6. AIR WING PILOT RESPONSIBILITIES

A. Air Wing Pilots shall:

1. Use Air Wing aircraft in accordance with this policy and the *Maine State Police Air Wing Operations Manual*;
2. Maintain required certifications and qualifications;
3. Conduct all operations safely;
4. Follow F.A.A. and manufacturer's recommendations for maintenance and inspection of equipment;
5. Report defective, damaged, and lost equipment to the Traffic Safety Unit Commander as soon as reasonably practicable; and
6. Satisfactorily perform other assigned duties.

## 7. AIR WING PILOT SELECTION

A. When an Air Wing Pilot vacancy exists, the Traffic Safety Unit Commander shall notify all Maine State Police sworn officers of the opening.

1. To be considered for an Air Wing Pilot vacancy, a sworn officer must meet the following minimum requirements:
  - a. The officer must have at least five (5) years of experience as a sworn officer with the Maine State Police;
  - b. The officer must have an overall "acceptable" or better rating on her or his two (2) most recent performance evaluations;
  - c. The officer must have a current F.A.A. Private Pilot's certificate with an airplane single-engine land rating; and

- d. The officer must have a current F.A.A. Class Two (2) Medical Certificate.
2. Upon notification of an Air Wing Pilot opening, an interested officer shall forward a written request for consideration through the officer's Commanding Officer to the Traffic Safety Unit Commander.
  - a. The written request must include a resume evidencing the officer's pilot training and piloting experience.
3. The requesting officer's Commanding Officer shall forward a copy of the officer's two (2) most recent performance evaluations and a written recommendation to the Traffic Safety Unit Commander.
4. Each requesting officer shall complete the following tests:
  - a. An oral board whose members must include at least the Colonel, an Air Wing Pilot, and another sworn officer selected by the Traffic Safety Unit Commander;
  - b. A flight test with the F.A.A. or a C.F.I. to current F.A.A. pilot certificate level held.
5. Following the process set forth in this section, the Traffic Safety Unit Commander shall make an Air Wing Pilot assignment-recommendation to the Colonel, who then shall make the final selection.

#### 8. PROBATIONARY AIR WING ASSIGNMENT

- A. An officer newly assigned to the Air Wing shall be assigned on a probationary basis.
- B. The newly-assigned officer must successfully complete the "Probationary Pilot Training Program" set forth in the *Maine State Police Air Wing Operations Manual*.
  1. An officer newly assigned to the Air Wing who does not successfully complete such training shall return to the rank her or she previously held.

#### 9. AIR WING PILOT TRAINING

- A. Each Air Wing pilot shall participate in and successfully complete assigned training related to pilot proficiency and safety.

1. Examples of such training are those classes offered by the F.A.A. Wings Program, and Flight Safety International Programs.
  - B. Training may include specialized and advanced pilot techniques and certificates, as determined by the Traffic Safety Unit Commander.
  - C. Training must be conducted on a regular basis, as logistics and scheduling allow.
10. AIR WING PILOT EQUIPMENT
- A. Each Air Wing Pilot shall keep issued equipment in her or his issued vehicle or aircraft, or in an otherwise secure location.
  - B. Each Air Wing Pilot shall cross-train with all equipment and have equal access to any shared equipment.
  - C. Each Air Wing Pilot shall have keys to all aircraft and hangers housing Air Wing aircraft.
  - D. Each Air Wing Pilot shall maintain all equipment in excellent working order and ensure that the equipment is clean.
  - E. Each Air Wing Pilot shall report problems with issued equipment to the Traffic Safety Unit Commander as soon as practicable.
  - F. Each Air Wing Pilot shall receive and keep up-to-date a copy of *Maine State Police Air Wing Operations Manual*.

**NOTICE**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** \_MAINE STATE POLICE POLICY REGARDING RESPONDING TO REPORTS OF MISSING PERSONS | **NUMBER:** E-39

**EFFECTIVE DATE:** 06.26.2015 | **RECENT HISTORY:** REVISED (06.26.2015); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY #74 (11.01.1994)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding responding to reports of missing persons.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To thoroughly investigate as soon as reasonably possible all reports of missing persons, including children and senior citizens;
  - B. To consider every person reported as missing as "at risk" until significant information to the contrary is confirmed.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Amber Alert Plan. "Amber Alert Plan" means an early warning system available for use by law enforcement to alert the public when a child has been abducted and law enforcement believes the child is in imminent danger of bodily harm. This plan is designed to enlist the public's assistance in the safe recovery of the victim and/or the apprehension of a suspect.
    1. **More information regarding the Amber Alert Plan is included in the "Attachments" section of this policy.**
  - B. Autism. "Autism" means a bio-neurological developmental disability that generally appears before the age of 3, and that can impact the normal development of the brain in the areas of social interaction,

communication skills, and cognitive function.

1. Individuals with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. They often suffer from numerous physical ailments that may include, as examples, allergies, asthma, epilepsy, digestive disorders, persistent viral infections, feeding disorders, sensory integration dysfunction, and sleeping disorders.
- C. Citizen Alert System (CAS). "Citizen Alert System" means Maine.gov's Citizen Alert System that has been established as a way for Maine state government to keep the public informed about events that may impact public health or safety.
- D. Dementia. "Dementia" means a disease of the brain that causes problems with memory, thinking and behavior. Other symptoms include: confusion, getting lost in familiar places, misplacing things, and trouble with speaking or writing. The disease usually affects the elderly, but may also be found in those under the age of sixty-five (65) and as young as forty (40) years of age.
- E. LOCATER (**LO**st **CH**ild **AL**ert **TE**chnology **R**esource). "LOCATER" means a program to hasten the recovery of missing and abducted persons, locate and apprehend wanted persons, and announce crime alerts and rewards by providing law-enforcement agencies the technology to rapidly disseminate images and information.
- F. Media. "Media" means print, radio, internet-based communication systems, or other methods of communicating information to the public.
- G. Missing Child. "Missing Child" means, for purposes of entry into NCIC, a person who is younger than twenty-one (21) years of age, and whose whereabouts are unknown to a parent, guardian, or responsible party.
- H. Missing Senior Citizen. "Missing Senior Citizen" means
1. a person who at the time is first reported missing is sixty (60) years of age or older; or
  2. Under extraordinary circumstances, a person eighteen (18) to fifty-nine (59) years of age:
    - a. With respect to whom there is a clear indication that the person has an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency; and
    - b. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.
- I. Silver Alert. "Silver Alert" means a notice provided under [25 MRSA, c. 259](#) to the public through law enforcement agencies and the media.
- J. Silver Alert Program. "Silver Alert Program" means the statewide alert program for missing senior citizens developed and implemented under [25 MRSA, c. 259](#).
- K. Unusual Circumstances. "Unusual circumstances" means any circumstance in which a missing person is either:
1. Thirteen (13) years of age or younger.

- a. This age was established by the federal Missing Persons Assistance Act because persons of this age group have not established independence from parental control, and do not have the survival skills necessary to protect themselves from exploitation on the streets; **OR**
2. A person of any age who is believed to fit one or more of the following descriptors:
  - a. Out of the Zone of Safety For Age Developmental Stage.
    - (1) The zone of safety will vary depending on the age of the person and the person's developmental stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian, or the crib, stroller, or carriage in which the infant was placed. For a school age child, the zone of safety may be the immediate neighborhood or the route taken between home and school;
  - b. Mentally Diminished.
    - (1) If the person is developmentally disabled or emotionally disturbed, or if the person may have difficulty communicating with others about needs, identity, or his or her address, the person may be placed in danger of exploitation;
  - c. Drug Dependent.
    - (1) This includes both prescription and illicit substances. Any drug dependency puts the missing person at risk. For example, a diabetic or epileptic person requires regular medication or the person's health condition may become critical. An illicit drug abuser, for example, may resort to crime or become the victim of exploitation in order to obtain illegal drugs;
  - d. Potential Victim of Foul Play or Sexual Exploitation.
    - (1) Significant risk to the person can be assumed if the investigation reveals indications of a possible abduction, violence at the scene of abduction, or signs of sexual abuse;
  - e. Life Threatening Situation.
    - (1) The environment in which the person is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a young teenager, or extreme weather conditions that might be hazardous to any person, regardless of age;
  - f. Missing From Home;
  - g. Believed To Be with Adults Who Could Endanger the Child's Welfare.

(1) A missing person in such circumstances may be in danger not only of sexual exploitation, but of involvement in criminal activity such as burglary, shoplifting and robbery as well;

h. Absent Under Circumstances Inconsistent With Established Patterns of Behavior.

(1) Most persons have an established routine that is reasonably predictable. Significant, unexplained deviations from that routine increase the probability of risk to the missing person;

i. Any other situation in which a person's disappearance involves circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk.

#### IV. PROCEDURE

##### 1. GENERAL

- A. Officers should become familiar with the information on missing persons (adult and children) provided by the National Center for Missing and Exploited Children at [www.missingkids.com](http://www.missingkids.com).
- B. Officers shall respond to a missing person report no matter how much time has passed since a person's disappearance, as a delay in reporting might indicate the existence of neglect or abuse within the missing person's family.

##### 2. DETERMINATION OF UNUSUAL CIRCUMSTANCES

- A. If a determination is made that unusual circumstances are involved in the report of a missing person, a thorough investigation, including the use of all appropriate resources, must commence immediately.
- B. If appropriate, existing interagency response protocols should be activated.

##### 3. RESPONSIBILITIES OF RESPONDING OFFICER

- A. An officer who is assigned as a first responder to the report of a missing person shall:
  - 1. Respond directly to the scene;
  - 2. Interview parent(s) or person(s) who made the initial report and complete the [MAINE STATE POLICE MISSING PERSON/WANDERER INFORMATION SHEET](#);
  - 3. Determine if the missing person suffers from autism, Alzheimer's, dementia, or memory impairment;
  - 4. Obtain a complete description of the missing person;
  - 5. Initiate a search of the home and surrounding area;
  - 6. If a search of the home and immediate area proves unproductive, notify or consult with the Maine Warden Service (MWS) regarding circumstances of the case. The MWS has statutory responsibility to conduct searches for lost persons in the inland areas of Maine. The MWS has the capability to assist agencies with or conduct

- searches for missing persons;
  7. Confirm the custody status of the missing person;
  8. Identify the circumstances of the disappearance and define the category of the missing person investigation;
  9. Determine when, where, and by whom the missing person was last seen;
  10. Interview the individual(s) who last had contact with the missing person;
  11. Identify the missing person's zone of safety for the person's age and developmental stage;
  12. Obtain a description of the suspected abductor(s) and other pertinent information if an abduction is indicated;
  13. Identify witnesses and obtain formal statements immediately;
  14. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted.
  15. Have parents, guardian or legal custodian fill out a [MAINE STATE POLICE NCIC MISSING PERSON AFFIDAVIT](#);
  16. Provide detailed descriptive information to the Regional Communications Center of jurisdiction for local and statewide broadcast;
  17. Conduct a thorough scene search;
    - a. An officer must never assume that searches conducted by distraught parents or others have been performed in a thorough manner;
  18. Secure and safeguard the area as a potential crime scene;
    - a. First responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence. In addition to external crime scenes, the missing person's home, and particularly the missing person's bedroom, should be secured and protected until evidence and identification material such as hair, fingerprints, bite marks, etc., are collected; and
  19. Prepare necessary reports and complete appropriate forms.
4. RESPONSIBILITIES OF SUPERVISOR
- A. The supervisor of an officer assigned to the report of a missing person shall:
    1. Obtain a briefing from the first responding officer(s) and other agency personnel at the scene;
    2. Determine if additional personnel and resources are needed to assist in the investigation;
    3. Consult the Maine Warden Service if a ground search is necessary;
    4. Initiate the Amber Alert Plan, if the criteria for abducted children is met;
    5. Establish an Incident Command Post.

- a. The recommended protocol is the National Incident Management System (NIMS). Assistance can be obtained by contacting the Maine Emergency Management Agency and/or the Regional Communications Center of jurisdiction;
  - b. A missing person's home must not be used as an Incident Command Post;
6. Organize and coordinate search efforts;
  7. Ensure that all required notifications have been made, including to law enforcement agencies that can assist in the investigation;
  8. Establish a liaison with the victim's family;
  9. Ensure that all applicable agency policies are followed;
  10. Manage media relations; and
  11. Initiate a Silver Alert notification to the media if [criteria are met for a missing senior, or person who meets the definition under Silver Alert](#).
    - a. If appropriate, also notify the Regional Communications Center of jurisdiction, which will then notify the Maine Department of Transportation, Maine Turnpike Authority, and the Maine Lottery System for Silver Alert activation statewide.
    - b. **A statewide Silver Alert notification should be utilized only after an exhaustive local search is conducted, if reasonable, when the disappearance of the missing senior citizen poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.**

#### 5. RESPONSIBILITIES OF INVESTIGATOR

- A. An investigator who is assigned to the report of a missing person shall:
  1. Obtain a briefing from personnel who have responded to the missing person report;
  2. Verify the accuracy of all descriptive information;
  3. Conduct a neighborhood investigation;
  4. Obtain a brief history of recent family dynamics;
  5. Explore the basis for conflicting information;
  6. Implement effective case management;
  7. Evaluate the need for additional resources and specialized services;
    - a. Keep in mind such resources as the FBI, NCIC, state missing persons clearinghouses, and the National Center for Missing and Exploited Children;
  8. Update descriptive information;
    - a. If it appears that the case will not be resolved promptly, then ensure that the descriptive record, especially that entered into the NCIC Missing Person File and the LOCATER

System or other notification alert system that is available locally, is updated;

9. Monitor media relations to ensure that investigative objectives are not unintentionally compromised; and
10. Initiate a Silver Alert notification to the media if criteria are met for a missing senior, or person who meets the definition under Silver Alert.
  - a. If appropriate, an investigator also is to notify the Regional Communications Center of jurisdiction, which will then notify the Maine Department of Transportation, Maine Turnpike Authority, and the Maine Lottery System for Silver Alert activation statewide.
  - b. **A statewide Silver Alert notification should be utilized only after an exhaustive local search is conducted, if reasonable, when the disappearance of the missing senior citizen poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.**

#### 6. PERSONS WITH DEMENTIA

- A. Officers need to consider the following if the missing person suffers from any form of dementia:
  1. A missing person with dementia shall be considered lost unless determined otherwise, and classified as having a disability and in personal immediate danger;
  2. The [National Alzheimer's Association Safe Return Crisis Line](#) will be notified of missing persons with dementia whether or not the person is registered in the program;
  3. Searches should be conducted quietly and swiftly;
  4. Persons with dementia will continue to wander through the night. Atypical from other missing persons, people with dementia will wander until they get stuck and will be found in brush or dense areas. They tend to cross over paths and roads as they tend to go in a straight line;
  5. Most persons found alive are found in the first twenty-four (24) hours;
  6. The median distance traveled is a half-mile (0.5 mile) from the point the person was last seen;
  7. The search in the initial six (6) to twelve (12) hours should cover a five (5) mile radius from the point where the person was last seen, and the area within a one (1) mile radius of that location should be searched more than once;
  8. An officer is to call [Medic Alert & Safe Return](#) when the missing person is located.

#### 7. UNIDENTIFIED PERSONS

- A. An officer assigned to the report of an unidentified person, whether living or deceased, shall:

1. Obtain a complete description of the unidentified person;
2. Enter the unidentified persons description into the NCIC Unidentified Person File;
3. Utilize all available resources to aid in identification of the unidentified person;
  - a. The NCMEC, Maine State Police missing person's clearinghouses, and other organizations, such as the State Medical Examiners Office, may be of assistance;
4. Cancel all notifications after identification is confirmed.

#### 8. RECOVERY AND/OR CASE CLOSURE

- A. An officer who is assigned to the recovery or return of a missing person shall:
  1. Personally verify that the missing person is, in fact, the reported missing person;
  2. Arrange for intervention services, if indicated;
  3. Complete the appropriate agency supplemental reports and cancel all outstanding notifications in NCIC or LOCATER files; and
  4. If the person was the subject of a Amber Alert or a Silver Alert, notify the media and/or other notification systems utilized, and notify the Regional Communication Center of jurisdiction to request notification of the Maine Department of Transportation, Maine Turnpike Authority, and the Maine Lottery Service, so the alert is cancelled.

#### 9. RUNAWAYS

- A. All officers must be familiar with [15 MRSA c. 511, "Interim care; runaways"](#);
- B. Officers shall use the [MAINE STATE POLICE MISSING PERSON/WANDERER INFORMATION SHEET](#) when responding to a report of a runaway;
- C. A juvenile who has left the care of his or her parents, guardian, or legal custodian without consent can be taken into interim care;
  1. A juvenile cannot be held involuntarily for more than six (6) hours while in interim care;
  2. An officer must notify DHHS that a juvenile has been taken into interim care;
- D. An officer should interview the juvenile about why they ran away, including, but not limited to, to determine whether the juvenile ran away because he or she was being abused;
- E. Officers shall notify parents, guardians, or legal custodians of a missing juvenile's whereabouts so arrangements for the juvenile's return may be made.

#### 10. MISSING CHILDREN FROM INTERIM CARE

- A. If a child in the custody of the Department of Health and Human Services whose permanent residence is believed to be located in this State has been placed in interim care, and that child then goes missing,

the Maine State Police shall, as appropriate, investigate or assist in the investigation of the report of the child's disappearance.

- B. After the child has been missing for at least forty-eight (48) hours, but not more than sixty (60) days, the Colonel, or his or her designee, may, if in the best interest of finding the child, transfer the responsibility for the investigation and entry of additional information to the law enforcement agency having jurisdiction over the permanent residence in this State of the missing child.

#### **ATTACHMENTS**

- [MAINE STATE POLICE MISSING PERSON/WANDERER INFORMATION SHEET](#)
- [MAINE STATE POLICE NCIC MISSING PERSON AFFIDAVIT](#)
- **AMBER ALERT PLAN INFORMATION:**
  - [Bureau of Consolidated Emergency Communications \(BCEC\) Emergency Notification Policy](#)
    - [BCEC Emergency Notification Policy - Appendix 1](#)
    - [BCEC Emergency Notification Policy - Appendix 2](#)
  - [Maine Chiefs of Police Association Model Policy - Appendix 2, Maine Amber Alert Policy](#)

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**MAINE STATE POLICE**  
**MISSING PERSON/WANDERER INFORMATION SHEET.<sup>1</sup>**

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<sup>1</sup> Source: [Missing Persons Information Sheet 6/3/2010 \(Word\)](#)

## MISSING PERSON INFORMATION

First Name: Middle Name: Last Name:  
Date Of Birth: Age: Sex: Height: Weight:  
Race: Hair: Eyes: Facial Hair  
Home Street Address: City:  
State: Zip Code: Home Phone #:  
Where Last Seen (PLS): GPS Coordinates:  
Date and Time Last Seen: Units/Datum:  
Is scent article available for person: Type of Article:  
Location of Article: Article secured by whom:  
**OFFICER PLEASE OBTAIN TWO RECENT PHOTOGRAPHS THAT CAN BE RELEASED TO MEDIA.**  
Date of Photograph: Any changes since photo was taken:  
Is videotape available of missing person?  
Has File 25 been issued? Issuing Agency and Officer:

## CONTACT INFORMATION

First Name: Middle Name: Last Name:  
Relationship to Missing Person:  
Home Street Address: City: State: Zip Code:  
Home Phone: Local Phone: Cell Phone:  
Pager: Work Phone: Occupation:  
Where can person be reached for further Information:

## OFFICER INFORMATION

Officer Making Report: Present Location:  
Date and Time:  
Officer Home Phone: Cell Phone Number: Pager Number:

## Medical Information

Known Physical Disabilities:

Uncorrected Vision:

Uncorrected Hearing:

Known Medical Conditions:

General Physical Condition:

Prescribed Medications:

Over the Counter Medications:

Consequences of Not Taking Medication:

Doctors Name:

Office Phone Number:

Neurologist/Gerontologist Name:

Office Phone Number:

MMSE Score (from physician):

Date of Last MMSE Test

### SEARCH ACTIONS ADMINISTERED SO FAR:

TYPE	ACTIONS	TIME FRAME	WHERE	BY WHOM
Family & Friends				
S.P, S.O, Local Police.				
Fire Department				
SAR Team				
Aircraft				
Watercraft				

NOTES:

## PERSONAL EQUIPMENT

ITEM	OWNS	DESCRIPTION
Glasses	Yes NO	
Dentures	Yes NO	
Hearing Aid	Yes NO	
Cane/ Walker	Yes NO	
Watch	Yes NO	
Jewelry	Yes NO	
Wallet / Purse Contents	Yes NO	
Keys	Yes NO	
Tobacco Products	Yes NO	
Matches / Lighter	Yes NO	
Known Food Items	Yes NO	
Cell Phone /Pager	Yes NO	
GPS / PLB/ Compass	Yes NO	
Money/change amount.	Yes NO	
Tattoos/Scars	Yes NO	

## CLOTHING

Clothing Item	Color / Style / Description
Shirt	
Pants	
Dress	
Sweater	
Coat/Jacket	
Raingear	
Footwear	

Socks	
Underwear	
Hand Gear	
Hat/ Cap	

ANY ITEMS SEIZED/ COLLECTED FILL OUT EVIDENCE LOG AND FOLLOW PHYSICAL EVIDENCE HANDLING PROTOCOL.

## Equipment

TYPE		COLOR	BRAND	STYLE
Backpack				
Tent				
Sleeping Bag				
Flashlight				
Map Type				
Fishing Equipment				
Hunting Equipment				
Camera				
Firearms				

ANY ITEMS SEIZED/ COLLECTED FILL OUT EVIDENCE LOG AND FOLLOW PHYSICAL EVIDENCE HANDLING PROTOCOL.

NOTES:

## VEHICLE INFORMATION

Vehicle Type	Make	Model	Color	Registration
Motor Vehicle				
ATV				
Snowmobile				
Motorboat				
Canoe/Kayak				

ANY ITEMS SEIZED/ COLLECTED FILL OUT EVIDENCE LOG AND FOLLOW PHYSICAL EVIDENCE HANDLING PROTOCOL.

## MISSING PERSON PRIOR RESIDENCE

RESIDENCE TYPE	ADDRESS	CITY	STATE	YEARS
Current				
Previous				
Previous				
Childhood				
Childhood				

## MISSING PERSON PERSONALITY AND PAST HISTORY

Is the person familiar with area where last seen?	Yes	No	
Does the person have a favorite area?	Yes	No	
Is the subject dangerous to themselves or others?	Yes	No	
Does the person have any access to any weapons? (Guns, knives)	Yes	No	
Does the person abuse any alcohol or drugs?	Yes	No	
Does the person have any criminal history, warrants?	Yes	No	
Does the person suffer from delusions?	Yes	No	
Does the person suffer from paranoia?	Yes	No	
Does the person suffer from hallucinations?	Yes	No	
Does the person suffer from depression?	Yes	No	
Has the person experienced any emotional breakdowns?	Yes	No	
Has the person shown violence towards others?	Yes	No	

## PRIOR MISSING INCIDENTS

	INCIDENT # 1 DATE:	INCIDENT # 2 DATE:
Where was the person last seen?		
Events that might have caused the person to go missing.		
Where was the person found?		
How was the person found?		
What was the distance from the point the person was last seen.		

NOTES:

## WALKING HABITS

Distance typically walked each day during past week.	Miles
Greatest distance walked during the past three months.	Miles
Furthest known distance walked in last 2 years.	Miles
Number of walks during the past week.	
Estimate the greatest distance you believe the person could walk.	Miles

Please rate the persons ability to walk

Confined to bed Unable to walk. <input type="checkbox"/>	Requires walker/cane To walk small distances.	Walks unassisted for short distances but shuffles or limps.	Walks with assistance.	Walks effortlessly.
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## OCCUPATION AND VOLUNTEER WORK

JOB OCCUPATION	ADDRESS	PHONE NUMBER	YEARS

HOBBY OR INTEREST	YEARS

# DEMENTIA / ALZHEIMER'S QUESTION

**Pick the box below that best describes the subject**

Mild confusion and forgetfulness, short-term memory affected.	Difficulty distinguishing time, place, and person. Some language difficulties.	Nearly complete loss of judgment reasoning, and loss of some physical control.
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**Complete the following questions on the basis of the last two weeks. Check yes if the activity is performed even once.**

Questions for Dementia Disability Assessment	YES	NO	N/A
Undertake to wash himself/herself or to take bath or shower.			
Undertake to brush his/her teeth or dentures appropriately.			
Decide to care for his/her hair (wash and comb)			
Prepare the water, towels, and soap for washing, taking bath or shower.			
Wash and dry completely all parts of his/her body.			
Undertake to dress himself/herself with appropriate clothing with regard to weather, neatness, occasion, and color combination.			
Dress himself/herself in the appropriate order (undergarments, pants, shoes) and completely			
Uses the toilet at appropriate times and without accidents.			
Decides that he/she needs to eat.			
Choose appropriate utensils and seasonings when eating.			
Eat his/her meal in the appropriate sequence.			
Undertake to plan and prepare a light meal or snack for himself/herself. (ingredients, cookware)			
Prepare or cook a light meal safely.			
Find and dial a telephone number correctly.			
Telephone someone at an appropriate time and carry telephone conversation.			
Write and convey a telephone message correctly.			
Adequately organize an outing with respect to transportation, keys, destination, weather, and money.			
Go out and reach familiar destination without getting lost.			
Go out and reach non-familiar destination without getting lost.			
Return from trip to store with the appropriate items.			
Show an interest and organize his/her personal affairs (financial, written correspondence).			
Handle money adequately (make change).	YES	NO	N/A
Take his/her medications at the correct time and correct dosage.			
Shows interest in leisure activity.			
Takes interest in household chores he/she used to perform in the past.			

Complete household chores adequately as he/she used to perform in the past.			
Stay safely at home by him or herself.			
Does the person know his/her name?			
Does person know where they are when at home?			
Does the person recognize the local neighborhood?			
Does the subject recognize familiar faces?			
Will the person answer to his/her name being called?			
Is person able to conduct a conversation?			
Does the person have the ability to tell time?			
Is the person registered in the Alzheimer's Association Safe Return Program?			

## WANDERING PATTERNS

Person wanders	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Person wanders at night.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Person wanders during the day.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Wandering appears goal oriented.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Wandering appears random.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Person seeks out exits or tries to escape from present location.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Wandering pattern similar to pacing back and forth.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Wandering appears related to a search for a person or place.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Does person talk about visiting a person or place located anywhere?	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Does the person talk about a person who is no longer alive?	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Has the person attempted to visit a person or place located anywhere?	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Can the person find keys and start car.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>

Can the person drive a car safely?	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Does the person desire to drive a car?	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Has the person traveled or attempted to travel independently using public or private transportation.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Has the person walked or traveled a considerable distance from home unaided.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Does the person get lost or confused easily in an unfamiliar setting.	<b>Yes</b>	<b>NO</b>	<b>Describe</b>
Does the person get lost or confused easily at home/ living quarters?	<b>Yes</b>	<b>NO</b>	<b>Describe</b>

NOTES:

## **INFORMATION FOR PERSONS WITH AUTISM**

Is person verbal	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Does person have seizures	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Is person noise sensitive	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Does person self-stimulate	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Is person touch sensitive	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Does person run away from home or school	<b>YES</b>	<b>NO</b>	<b>Describe</b>
If person runs away where person likely to go	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Does person abuse alcohol/illegal drugs	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Does person have history of violence	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Any fears, anxieties, or triggers which upset person	<b>YES</b>	<b>NO</b>	<b>Describe</b>
Does person have a special interest in a topic, object, or theme	<b>YES</b>	<b>NO</b>	<b>Describe</b>

Any other pertinent information?

Notes



**MAINE STATE POLICE  
NCIC Missing Person Affidavit**

TO: \_\_\_\_\_ Date: \_\_\_\_\_  
(Name of Law Enforcement Officer)

I hereby certify that \_\_\_\_\_, DOB: \_\_\_\_\_,  
(missing person)

is missing and has been missing since \_\_\_\_\_. I have no knowledge of his/her whereabouts, and I request that the information be entered into the National Crime Information Center (NCIC) Missing Person Files. I agree to go for him/her anywhere in the United States.

Missing Person Categories: (circle one)

1. Disabled: Physical/mental disability or senile.
2. Endangered: Physical safety in danger.
3. Involuntary: Disappearance not voluntary, kidnapped, etc.
4. Juvenile: Under 18 years of age.
5. Catastrophe: Catastrophic event (natural disaster, fire, etc.)

Statement of Parent, Guardian, legal Custodian, Family Member or Physician.

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\_\_\_\_\_  
(Signature of parent, Guardian, Legal Custodian Family Member or physician)

\_\_\_\_\_  
Address

Telephone Number: \_\_\_\_\_

**MAINE DEPARTMENT OF PUBLIC SAFETY  
CONSOLIDATED EMERGENCY COMMUNICATIONS BUREAU  
STANDARD OPERATING PROCEDURES**

<b>SUBJECT: EMERGENCY NOTIFICATION (EAS, AMBER, LOTTERY, CARS)</b>		<b>NUMBER 15</b>
<b>RESCINDS:</b>	<b>EFFECTIVE DATE: November 1, 2010</b>	
<b>UP DATED: June 24, 2015</b>		
<b>DISTRIBUTION: All</b>	<b>REVIEW DATE: Annually</b>	
<b>STANDARD:</b>		

**I PURPOSE**

The purpose of this policy is to describe the method by which the Consolidated Emergency Communications Bureau shall receive, process, and issue EMERGENCY ALERT NOTIFICATIONS and AMBER (America’s Missing: Broadcast Emergency Response) Alerts in accordance with the State of Maine AMBER Alert plan.

**II POLICY**

It is the policy of this bureau to receive, process, and send Emergency Alert Notifications and AMBER Alerts in a timely manner in accordance with the State of Maine and other established AMBER Alert plans, and other established procedures to include the Lottery and CARS-AMBER procedures.

**III DEFINITIONS**

- CARS            Condition Acquisition and Reporting System
- CMRCC        Central Maine Regional Communications Center
- ENDEC        Encode/Decode device
- ECS            Emergency Communications Specialist
- MCU           Major Crimes Unit
- OM             Operations Manager
- RCC            Regional Communications Center

**IV PROCEDURE**

15.1 Request for AMBER Alert activation:

**MAINE DEPARTMENT OF PUBLIC SAFETY  
CONSOLIDATED EMERGENCY COMMUNICATIONS BUREAU  
STANDARD OPERATING PROCEDURES**

- 15.1.1 CMRCC is the only RCC authorized to coordinate the activation of the Emergency Alert System for an AMBER Alert.
- 15.1.2 When a State or local law enforcement agency determines a missing juvenile may meet the criteria of an AMBER Alert it is their responsibility to call the Central Maine Regional Communications Center (CMRCC). If that agency should call the Bangor, Gray or Houlton RCC, the respective RCC will transfer or refer the calling agency to CMRCC.
- 15.1.3 Upon receipt of a request for an AMBER Alert, CMRCC personnel will immediately get an AMBER Alert packet from the quick reference book posted at each station, or look it up on the intranet.
- 15.1.3 CMRCC will immediately make contact with the appropriate MCU Sergeant or Lieutenant. The MCU Lieutenant or Sergeant is responsible for determining if the incident meets the AMBER Alert guidelines.
- 15.1.4 If authorized by the MCU Lieutenant/Sergeant, CMRCC will notify Scientific Games (Lottery), DOT (for CARS-AMBER components of the AMBER Alert) and a Communications Supervisor, simultaneously, following the appropriate checklist.
- 15.1.5 An Operations Managers shall activate the Emergency Alert System and generate an AMBER Alert only after the MCU Lieutenant/Sergeant has declared the missing person as meeting the requirements under AMBER, and given the ok to send the Alert.

15.2 TRAINING

- 15.2.1 Each OM/ECS assigned to the Communications Bureau will complete the AMBER Alert training quarterly.
- 15.2.2 In addition, OM/ECS assigned to the CMRCC will complete the following quarterly training and demonstrate their understanding and knowledge of each:
  - 15.2.3 A review of the Emergency Alert System (EAS) procedures.
  - 15.2.4 A review of the Lottery AMBER Alert activation procedures to include the Lottery fax activation and cancellation forms.
  - 15.2.5 A review of the CARS-AMBER activation procedures to include the CARS-AMBER checklist and operation of the CARS program.

**MAINE DEPARTMENT OF PUBLIC SAFETY  
CONSOLIDATED EMERGENCY COMMUNICATIONS BUREAU  
STANDARD OPERATING PROCEDURES**

**V EFFECTIVE DATE**

Standard Operating Procedure No. 15 is effective on this <sup>th</sup> day of June, 2015.

Cliff Wells, Director  
Consolidated Emergency  
Communications Bureau

**APPENDIX 1**

**AMBER CHECK LIST**

<b>Step</b>	<b>Check When Completed</b>	<b>Step-by-step Instructions</b>
1	<input type="checkbox"/> <b>START A CFS, GET THE INFO CFS:</b> _____	<p>When there is a request from a Law Enforcement Agency to activate the Amber Alert Plan, start a Call For Service and put all information provided in the CFS. Advise the requesting agency that the State Police will be calling their agency direct within 15 minutes. <b>The AMBER Plan should be activated ONLY when: a child 17 years of age or younger is abducted AND there is reason to believe the victim is in imminent danger of serious bodily injury or death AND there is information available to disseminate to the general public which could assist in the safe recovery of the victim and/or the apprehension of a suspect.</b></p> <p>ECS Assigned: _____ Time Started: _____</p>
2	<input type="checkbox"/> <b>IF NOT KSO OR MSP INQUIRE IF FILE 6 HAS BEEN SENT</b>	<p>If it has or is in work, do nothing regarding the File 6. If the agency has not &amp; is unable to send it due to the situation, take the information provided, prepare the NCIC entry and <b>Amber Alert</b> File 6 <b>ENDANGERED (Page 807 of Metro)</b>, but do not send unless approved in step 4. The NCIC entry must use the MKE of EME or EMI for an AA entry. The File 6 Teletype must indicate AMBER ALERT.</p> <p>ECS Assigned: _____ Time Started: _____</p>
3	<input type="checkbox"/> <b>CALL THE ON CALL CID SGT, SEND TEXT TO CELLULAR AS WELL</b>	<p>As soon as the call is disconnected call the <b>On Call MCU Sgt</b> requesting a Code 3 call to Augusta RCC. If possible send a text e-mail to their cell phone with the word “Amber”. If no response within 5 minutes call and resend cell message. If no answer within 5 minutes of the 2<sup>nd</sup> try, call either <b>LT McDonough (cell 557-4600)</b>, or <b>Lt Gardner (cell 441-0324)</b>. The MCU Sgts, LT McDonough or LT Gardner are the only people that can authorize Amber Activation.</p> <p align="center"><b>Check the Schedule for the On Call CID Sgt</b></p>
4	<input type="checkbox"/> <b>ADVISE ON CALL CID SGT</b>	<p>When <b>On Call MCU Sgt</b> or the Lieutenant calls in, advise them of the basic facts. They will contact the requesting agency direct for further information if required. After reviewing the request they will decide whether or not the “Amber Plan” will be implemented and notify the CMRCC &amp; requesting agency. <b>If the plan is not implemented, note it in the CFS &amp; close the incident. If the plan is implemented send the NCIC entry and File 6 and go to step 5.</b></p>
5	<input type="checkbox"/> <b>BROADCAST APB</b>	<p><b>Immediately broadcast an APB with the information available. If the AMBER Alert is somewhere other than the area covered by CMRCC tell the requesting agency to do an APB immediately.</b></p> <p>ECS Assigned: _____ Time Started: _____</p>
6	<input type="checkbox"/> <b>NOTIFY UNIT 90</b>	<p><b>Call Steve McCausland (cell 441-6216, home 725-8082 or 377-9657) and give him the information</b></p> <p>ECS Assigned: _____ Time Started: _____</p>
7	<input type="checkbox"/> <b>FAX LOTTERY (See page 3)</b>	<p><b>Immediately send a fax to the Lottery Commission and Scientific Games with the appropriate information in accordance with the Lottery Activation Form in this document or in the CMRCC Amber Alert instructions.</b></p>

		ECS Assigned: _____ Time Started: _____
8	<input type="checkbox"/> <b>E-MAIL DOT</b>	<b>Activate CARS AMBER ALERT as follows:</b> Send a high priority e-mail from the RCC e-mail with the subject line AMBER ALERT to <a href="mailto:AMBER_ALERT_CARS">AMBER ALERT CARS</a> with the information available, or if you send the e-mail from your Maine.gov e-mail account ensure you cc the <a href="mailto:rcc.augusta@Maine.gov">rcc.augusta@Maine.gov</a> e-mail. Call the DOT Radio Room at 624-3339 to confirm that the e-mail has been received. Send updates with the e-mail subject line AMBER UPDATE and finally the cancellation with the subject line AMBER CANCEL. Each e-mail must be verified as received via a phone call.  ECS Assigned: _____ Time Started: _____
9	<input type="checkbox"/> <b>START EAS</b>	<b>Start the EAS program.</b> The On Call MCU Sgt or agency handling the call will provide the File 6/Missing Person information to the CMRCC. The ECS will review the information & ask any clarifying questions prior to starting the EAS.  ECS Assigned: _____ Time Started: _____
10	<input type="checkbox"/> <b>CANCELLATIO N</b>	<b>For cancellations use steps 4 through 9 and send cancellations as needed. For Lottery use the cancellation letter, for EAS create and send the cancellation recording.</b>  ECS Assigned: _____ Time Started: _____

**EAS ACTIVATIONS OTHER THAN AMBER MUST BE APPROVED BY THE MEMA DUTY OFFICER OR ABOVE**

APPENDIX 2

State of Maine IPAWS/EAS  
 AMBER ALERT  
 Instructions

AMBER Alert Instructions:

<b>STEP</b>		<b>NOTE: Click using left mouse button</b>
0-1	<input type="checkbox"/>	Open Internet Explorer or another Internet browser on a State-network computer. Access one of the following websites. A Login Screen will come up: <input type="text" value="http://10.110.68.5"/> (Augusta EAS Server) OR <input type="text" value="http://10.18.153.144"/> (Houlton EAS Server).
0-2	<input type="checkbox"/>	Log in as <i>Augusta_User</i> or <i>Houlton_User</i> . This will take you to the Encoder screen which is divided into several sections. Passwords: Aug_2013! and Hou_2013! Respectively.
0-3	<input type="checkbox"/>	Go down through each section and check the settings against the list below which shows what each setting should be.
<b>Section 1: Set Destination</b>		
1-1	<input type="checkbox"/>	Broadcast EAS Audio/Video/Serial: <input checked="" type="checkbox"/> (checked)
1-2	<input type="checkbox"/>	Check the entries under <b>*CAP Send Interface*</b> . <i>If there are any changes needed in this section, a supervisor will need to make them.</i> <ul style="list-style-type: none"> <li>➤ <b>IF YOU ARE SENDING AN RMT</b> you should see two entries, <b>*TRAINING/XML_CAP_FEED</b> and <b>*SEND to FEMA</b>. If you don't see these, ask supervisor for assistance.</li> <li>➤ <b>IF YOU ARE TRAINING</b> you should see <b>ONLY *TRAINING/XML_CAP_FEED</b>. If you see <u>any other starred entries</u>, ask supervisor for assistance</li> </ul>
<b>Section 2: Set Event</b>		
2-1	<input type="checkbox"/>	Alert EAS Code: CAE:CHILD ABDUCTION EMERGENCY
2-2	<input type="checkbox"/>	CAP/WEA Event Response: <input type="text" value="Default"/> CAP Urgency: <input type="text" value="Default"/> CAP Severity: <input type="text" value="Default"/> CAP Certainty: <input type="text" value="Observed"/>
<b>Section 3. Set Duration, Date and Time:</b>		
3-1	<input type="checkbox"/>	Alert Duration: Hours <input type="text" value="0"/> Mins <input type="text" value="45"/>
3-2	<input type="checkbox"/>	Use current time for the effective Start Time for Alert: <input checked="" type="checkbox"/>
<b>4. Set Locations(s)</b>		
4-1	<input type="checkbox"/>	Current FIPS locations for Alert: <input type="text" value="All Maine (023000)"/> If other entries are selected, select each and click Remove, then select <b>Maine</b> from the left-hand menu and click <b>"Add Selected FIPS"</b>
<b>5. Set Message Contents</b>		

5-1	<input type="checkbox"/>	<b>Alert Text Translation Options:</b> View EAS Alert header and alert text translations. EAS Alert Text + CAP Description&Instruction
5-2	<input type="checkbox"/>	<b>CAP Description Text and EAS Custom Text:</b> AMBER ALERT – Maine has issued an AMBER ALERT for (type name, description, clothing, last seen, vehicle/suspect information if available).
5-3	<input type="checkbox"/>	<b>CAP Instructions Text</b> If you have information class (list agency and phone number).
<b>6. Set Audio and Multimedia Content</b>		
6-1	<input type="checkbox"/>	<b>Activate Pre-Alert EAS Audio Controls:</b> <input checked="" type="checkbox"/> <b>Web multimedia resource content:</b> Web/URI Address -----[leave blank]-----
6-2	<input type="checkbox"/>	<b>Option Pre-Alert Audio Announcement:</b> No Audio
6-3	<input type="checkbox"/>	<b>Auto-Convert Alert Text Message to Speech:</b> <input checked="" type="checkbox"/>
6-4	<input type="checkbox"/>	<b>Optional Post-Alert Audio Announcement:</b> No Audio
6-5	<input type="checkbox"/>	<b>OPTIONAL:</b> Click “Make Draft TTS Audio File”. A link will appear to “Play on Browser” Click the link and you will hear the message played over Windows Media Player on your computer.
<b>7. Send Alert</b>		
7-1	<input type="checkbox"/>	Wait for the assigned time for the Required Monthly Test. <i>Use the clock on your computer or VOIP phone, NOT a personal watch or clock.</i>
7-2	<input type="checkbox"/>	Click the “Send Alert” button. A Confirmation screen will come up.
7-3	<input type="checkbox"/>	Click the “Yes, Send Alert” button at the bottom of the screen. You should see a “Processing” message on the screen. A few moments pause may occur as the message processes. Then you will see a screen that says “Ran OK!” and “Currently Sending Alert: RMT” If you are in the room with the IPAWS/EAS server, you will also hear the audio message being created by the box.
<b>Monitor Maine Public Radio</b>		
8-1	<input type="checkbox"/>	In a different browser tab or session, go to <a href="http://mpbn.net">http://mpbn.net</a>
8-2	<input type="checkbox"/>	Click on “Listen Live” at the top of the page
8-3	<input type="checkbox"/>	Choose the 3 <sup>rd</sup> option under “MPBN Radio Stream,” “Launch MP3 Stream Format MPS (m3u) (Shows the Microsoft media Player icon  ). <b>NOTE:</b> There may be a delay close to a minute between the time you launch the message and when it is heard on the radio.
NOTE		If you are in TRAINING mode, you will not hear anything broadcast on MPBN but it is a good idea to practice bringing it up.
<b>Log Out of the System</b>		
8-4	<input type="checkbox"/>	After you hear the alert, close the MPBN live stream and web site.
8-5	<input type="checkbox"/>	Log Out of the DASDEC software

## Appendix 2 Maine Amber Alert Plan

The AMBER Alert Plan is an innovative way to protect our children, born out of a desire to use maximum public participation to recover children in only the most serious child abduction situations. It is a voluntary cooperative agreement between the Maine Department of Public Safety, the State Emergency Communications Committee, the Maine Association of Broadcasters, and law enforcement agencies in the state of Maine.

The Plan is an early warning system available for use by law enforcement to alert the public when a child has been abducted and the police believe the child is in imminent danger of bodily harm. It is hoped that the information distributed via the statewide broadcast/cable Emergency Alert System (EAS) will lead to the release and safe return of the child.

The AMBER Alert Plan is a tool for law enforcement to promptly notify the media of a confirmed abduction so the information can be broadcast to the public for assistance in locating the child and/or abductor.

AMBER is a voluntary program for law enforcement and broadcasters. AMBER is NOT the entire abducted-child investigation.

**SPECIAL NOTE TO BROADCAST STATIONS:** Due to a design flaw in the current Emergency Alert System, only the audio portion of an EAS alert will contain all of the pertinent AMBER Alert information. It will not appear on a TV text crawl, nor on the EAS ENDEC printout.

To ensure accuracy, do not try to transcribe the audio AMBER Alert message for follow-up announcements. Instead, subscribe to the Maine Citizen Alert System (CAS) to receive follow-up alert details via e-mail: <http://www.maine.gov/portal/CAS/index.shtml>.

Be sure to subscribe one or several e-mail addresses that are readily accessible by all station personnel at all hours of the day and night, and on weekends. Give consideration to the fact that an AMBER Alert may be issued at a time when, for example, news personnel are not on duty at the station.

When signing up for Citizen Alerts, also be sure to sign up to receive news releases from the Maine State Police/Dept. of Public Safety and the Maine Emergency Management Agency.

## Maine AMBER Alert Plan ~ Requirements

1. The AMBER Plan requires law enforcement to meet three criteria when evaluating a child abduction. Police departments **must** have **all 3** criteria present before an EAS activation can occur.

**The AMBER Plan should be activated ONLY when:**

- (1) **a child 17 years of age or younger is abducted\***,  
**AND**
- (2) **there is reason to believe the victim is in imminent danger of serious bodily injury or death**,  
**AND**
- (3) **there is information available to disseminate to the general public which could assist in the safe recovery of the victim and/or the apprehension of a suspect.**

2. The AMBER Plan is activated **only** when the specific requirements of the plan are met as outlined above. An AMBER activation is *not* to be used for runaways, most child custody disputes, or missing children. An AMBER activation is appropriate *only* for child abduction cases where there is strong evidence that the abductor intends to cause imminent bodily harm to the child.

3. After receiving a report of a child abduction, the investigating agency determines whether the incident meets the requirements of the AMBER Plan. If it does, the agency contacts the Maine State Police (MSP) to request activation of the AMBER Plan. MSP then approves issuance of an AMBER Alert through the statewide Emergency Alert System (EAS).

4. When the Maine State Police activates the system through the state EAS, it will immediately be delivered to all participating radio and television stations and cable TV systems in Maine.

The AMBER Alert goes out only once via the State EAS system. Participating broadcast stations should then announce the information every half hour for the first four hours, then one time per hour for the next four hours.

In addition to activating the EAS, the Maine State Police will distribute all pertinent information relating to the abduction via e-mail through the State of Maine Citizen Alert system.

*\*The word "abducted" is a cause of concern and should be addressed. Law enforcement should make every attempt to verify that an actual abduction has taken place, but some margin for error must be tolerated. If the above guidelines are otherwise met but there is no concrete confirmation of an abduction, then the activation may go forward if it is warranted in the judgment of law enforcement authorities. Each case under this scenario should be independently evaluated based on the facts and circumstances thereof.*

*While intended for use in cases of stranger abduction, the AMBER plan may also be activated in cases of parental abduction, or abduction by another person known to the child, if the parent or person has made threatening statements or otherwise indicated that he/she intends to commit imminent bodily harm to the child. Again, each such case should be evaluated based on the pertinent facts and circumstances.*

*Law enforcement agencies are cautioned that overuse of the AMBER Alert system, or issuance of alerts that do not meet the criteria, may cause the public to "tune out" alerts, thus hampering the effectiveness of the system.*

5. Investigations of child abductions are coordinated by the law enforcement agency having jurisdiction where the child is domiciled. Except in areas where it has sole jurisdiction, the Maine State Police/MDPS is generally only the conduit for issuance of statewide alerts. Thus, all media questions and requests for information should be directed to the investigating agency.

6. If the child is recovered during the activation period of the alert, the reporting agency must notify MDPS, which will then cancel the alert through normal news-release channels. It is the responsibility of the individual radio and television stations to follow up with the investigating agency regarding additional information about the abduction.

7. By broadcasting frequent public alerts, descriptions, and other vital information in the crucial first hours after a child abduction, we can enlist citizens in an effort to recover the child unharmed. All calls to radio or TV stations or cable systems from citizens who have information regarding the abduction should be directed to the investigating agency.

## AMBER Alert procedures for law enforcement and the media

LAW ENFORCEMENT	MEDIA
<ol style="list-style-type: none"> <li>1. Determine a child abduction meeting the AMBER criteria has occurred.</li> <li>2. Call the Maine State Police (MSP) at <b>624-7076 or 1-800-452-4664</b> and ask to speak to a Criminal Investigation Division (CID) Lieutenant or Sergeant concerning an AMBER Alert.</li> <li>3. MSP will confirm the accuracy of the information and, if warranted, will approve the issuance of an <b>AMBER Alert</b> via the State Emergency Alert System (EAS) using the CAE (Child Abduction Emergency) code.</li> <li>4. This information is also passed through NLETS (National Law Enforcement Teletype System) to all law enforcement agencies having access to it.</li> <li>5. The investigating agency will make photos of the victim available to the media as soon as possible. Media may also have follow-up questions. The investigating agency should designate an officer or staff person as the media contact for inquiries.</li> <li>6. As soon as the case is resolved, notify the MSP, which will then cancel the alert through normal news-release channels.</li> </ol>	<ol style="list-style-type: none"> <li>1. Participating broadcast stations' and cable systems' EAS encoder-decoder units must be programmed to receive and retransmit the CAE (Child Abduction Emergency) code.</li> <li>2. Sign up to receive follow-on AMBER Alert information via e-mail through the State of Maine Citizen Alert System (CAS) at <a href="http://www.maine.gov/portal/CAS/index.shtml">http://www.maine.gov/portal/CAS/index.shtml</a>.</li> <li>3. The AMBER Alert will come to broadcast stations and cable systems via your EAS receiver. Your receiver may be programmed for an automatic interrupt of programming, or for delay. If delayed, the alert should be broadcast within 15 minutes of receipt. <i>Getting the information on the air as soon as possible is the key factor.</i> The most crucial time in an abduction case is the first few hours.</li> <li>4. We ask broadcast stations and cable systems to transmit the pertinent information via live announcement (<i>not</i> by retransmitting the EAS alert), using the facts as detailed in the Citizen Alert, at least once every 30 minutes for the first 4 hours, then at least once an hour for the next 4 hours.</li> <li>5. Prompt dissemination of an abduction alert is an integral part of the AMBER Plan. It is important that we have maximum participation from stations and cable systems "up and down the line," as the abductor may have traveled over a wide area within the first several hours of the abduction.</li> <li>6. Follow-up requests for additional information should be directed to the investigating agency.</li> </ol>

## Exhibit 1

### AMBER Plan

#### Requirements For Participating Law Enforcement Agency:

1. Must have **at least one (1) designated reporting officer.**
2. Must submit **supporting reports** for activation of the AMBER Plan to the AMBER Plan Committee within 30 days of activation and must participate in a **review of the activation.**
3. Must have adopted a **written policy** which deals with the operation of the AMBER Plan. (A model policy is available from the Maine Chiefs of Police Association.)
4. Must agree to **provide proper training** and review the Maine AMBER Alert Plan, the agency's written policy, and supporting AMBER Alert materials with appropriate agency personnel on a yearly basis.

#### Requirements For AMBER Plan Reporting Officer (MSP):

1. Reporting officer must be a sworn law enforcement officer.
2. Reporting officer must complete training provided by or suggested by the AMBER Plan Committee (at a minimum, an annual review of the Maine AMBER Alert Plan and viewing of the AMBER training video).
3. Reporting officer must present a briefing to the Maine AMBER Plan Committee at the next scheduled meeting following the activation of an AMBER Alert.

## Exhibit 2

### **AMBER Plan**

#### **Law Enforcement Checklist**

1. IS THE ABDUCTION ONE IN WHICH THE CHILD VICTIM IS 17 YEARS OF AGE OR YOUNGER?

**If YES, GO ON to QUESTION 2.**

**If NO, DO NOT ACTIVATE THE AMBER PLAN**

2. WAS THE CHILD ABDUCTION WITNESSED BY ANYONE?

**If YES, GATHER AS MUCH DESCRIPTIVE INFORMATION AS POSSIBLE AND GO ON TO QUESTION 3**

3. DID THE CHILD ABDUCTION INVOLVE AN ACT OF VIOLENCE, OR DO YOU BELIEVE THE CHILD TO BE IN DANGER OF IMMINENT BODILY HARM OR DEATH?

**If YES, ACTIVATE THE AMBER PLAN**

**If NO, DO NOT ACTIVATE THE AMBER PLAN**

4. THE ALERT MUST CONTAIN:
  - A DESCRIPTION OF THE CHILD,
  - DETAILS OF THE ABDUCTION,
  - INFORMATION THAT THE PUBLIC CAN ACT ON (for example, a description of the perpetrator, description of a vehicle, etc.), AND
  - THE NAME AND TELEPHONE NUMBER OF THE INVESTIGATING AGENCY.

**THE INVESTIGATING AGENCY SHOULD NOT ACTIVATE THE PLAN UNLESS AND UNTIL THERE IS INFORMATION TO INCLUDE IN AN ALERT MESSAGE.**

AMBER Alert Information --- To Be Sent On MLETS  
**(Sample)**

**Agency Data**

Agency \_\_\_\_\_ Officer's Name \_\_\_\_\_  
 Telephone Number \_\_\_\_\_ Reporting Agency \_\_\_\_\_

Case Data	Yes	No*
Is this believed to be a child abduction? <i>(not a missing child, runaway, or custody dispute unless there is strong evidence that the child is in imminent danger of bodily harm from the abducting parent)</i>		
Was this child 17 years of age or younger?		
Is there reason to believe the victim is in imminent danger of serious injury or death?		
Is there information to disseminate to the general public which could assist in the safe recovery of the victim and or the apprehension of a suspect?		

\*An answer of **No** to any of the above questions renders the AMBER Alert non-applicable.

**Victim Data**

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Age \_\_\_\_\_ Race \_\_\_\_\_ Gender \_\_\_\_\_  
 Clothing Description \_\_\_\_\_  
 Last Known Location \_\_\_\_\_ Date of Event \_\_\_\_\_

**Victim Data #2**

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Age \_\_\_\_\_ Race \_\_\_\_\_ Gender \_\_\_\_\_  
 Clothing Description \_\_\_\_\_

**Suspect Data**

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Approx. Age \_\_\_\_\_ Race \_\_\_\_\_ Gender \_\_\_\_\_  
 Clothing Description \_\_\_\_\_

**Suspect Data #2**

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Approx. Age \_\_\_\_\_ Race \_\_\_\_\_ Gender \_\_\_\_\_  
 Clothing Description \_\_\_\_\_

**Vehicle Data**

Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_  
 Style \_\_\_\_\_ License Plate \_\_\_\_\_ License State \_\_\_\_\_

## AMBER ALERT SAMPLE ALERT MESSAGE PROGRAM AND SCRIPT

When issuing an AMBER Alert, take a few moments to script out the alert message following the format shown below. Remember, this script will form the basis not only for the EAS Alert, but also for a Maine Citizen Alert System message and for messages on highway signs and state lottery terminals.

EAS Header Code 3 times

One Second Pause

EAS Attention Signal (0:08)

Special AMBER Alert (CAE) Code

Announcer:

*The Maine State Police are issuing a statewide AMBER Alert at the request of the [Maine City] Police Department. A fourteen-year-old Caucasian female was abducted from 2825 Royal Lane, Maine City, this morning at approximately 9:00 a.m. She is approximately 5 feet 2 inches tall, 110 pounds, with black hair, wearing a gray T-shirt, white jeans, and blue baseball cap. She was last seen with a 50-year-old white male, approximately 6 feet tall and weighing 200 pounds, driving a blue Chevrolet pick-up truck with Maine license plates. If you have any information regarding this abduction, please call the [Maine City] Police Department at (555) 555-5555. That's (555) 555-5555. This has been an AMBER Alert. We now return to regular programming.*

EAS End-of-Message Code 3 times

# Maine AMBER Alert Law Enforcement Protocol

## 1. Determine if the case fits the AMBER Alert criteria.

Review the pertinent information to determine if all three criteria for an alert are met:

- a) Is the child 17 years of age or younger?
- b) Is there reason to believe the victim is in imminent danger of serious bodily injury or death?
- c) Is there information available to disseminate to the general public which could assist in the safe recovery of the victim and/or the apprehension of a suspect?

## 2. Call Maine Public Safety Dispatch in Augusta at 624-7076 or 1-800-452-4664 and ask to speak with a Criminal Investigation Division Lieutenant or Sergeant regarding an AMBER Alert request.

The State Police will conduct another review of the pertinent information to ensure that the criteria have been met.

<p><u>If criteria are <b>not</b> met:</u></p> <ol style="list-style-type: none"> <li>1. Notify investigating officer.</li> <li>2. Follow established protocols for case investigation.</li> <li>3. Notify PIO of case status.</li> </ol>	<p><u>If criteria <b>are</b> met:</u></p> <ol style="list-style-type: none"> <li>1. Provide State Public Safety dispatch with the point-of-contact name and phone number for your agency. This is essential for individuals responding to the alert in an effort to provide information.</li> <li>2. Notify NLETS of AMBER Activation and Teletype all victim/suspect information needed for statewide broadcast to MSP.</li> <li>3. Make notification of AMBER Alert to the following resources:             <ol style="list-style-type: none"> <li>a. On-duty Major Crimes Detective Captain                 <ol style="list-style-type: none"> <li>1. Exploitation Detective Captain</li> <li>2. Child Crisis Supervisor</li> <li>3. Child Crisis Duty Pager</li> </ol> </li> </ol> </li> <li>4. Designate a field command center to coordinate search efforts.</li> <li>5. Coordinate with phone bank supervisor on search/phone bank developments.</li> <li>6. Continue to evaluate field search and use resources as needed.</li> </ol>
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### Resource considerations

Mounted Patrol	Motorcycles	Helicopter	SOT	Dive Team
Police Reserves	Gang Unit	Citizen Volunteers	K-9	Explorers

### Activation of incident command if necessary

This procedure is initiated when a phone bank is required to answer numerous phone calls from the community, or it may be used during any other large-scale incident with the potential of multi-jurisdictional response.



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING DUTIES OF OFFICERS RESPONDING TO A MAJOR CRIME SCENE | **NUMBER:** E-41

**EFFECTIVE DATE:** 11.07.2017 | **RECENT HISTORY:** AMENDED (11.07.2017); REVISED (07.13.2015) CONVERTED TO WEB FORMAT ON 05.15.2009 (FORMERLY G.O. 42F)

**DISTRIBUTION:** 2

**SIGNATURE  
OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to ensure that officers responding to the scene of a major crime take the necessary steps to ensure their and others' safety and properly preserve the integrity of the crime scene for investigation.

### II. POLICY

1. The policy of the Maine State Police is to ensure that all its members are informed of the proper protocol and responsibilities at major crime scenes. The first officer arriving at such a scene has the responsibility to safely secure the scene.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows unless otherwise indicated in the order.
  - A. Major crime scene. "Major crime scene" means a location at which a homicide, suspicious death, bank robbery, abduction, or suspected terrorism-related event has occurred, or a scene that will require specialized forensic crime scene processing.

### IV. PROCEDURE

#### 1. DISCUSSION

- A. Errors committed in the safeguarding and examination of any crime scene can never be rectified. The success of an investigation of a crime scene is critically dependent on the actions taken by the first officer responding to the scene, as well as subsequently responding officers.
- B. Any officer responding to a crime scene might be called to testify in court about their observations and the procedures that were followed at the crime scene. Therefore, the actions taken by officers responding to, securing, and processing such a scene must ensure the integrity of the scene.

#### 2. RESPONSIBILITIES OF THE FIRST OFFICER RESPONDING TO A MAJOR CRIME SCENE

- A. The first officer to arrive at a major crime scene shall :
  1. To ensure officer safety, use extreme caution and approach the scene in a tactical manner;

2. Upon arriving at the crime scene, advise the Regional Communications Center (RCC) of jurisdiction of the exact location of the scene and any other information that may be of importance to other responding officers;
  3. Request that the RCC of jurisdiction notify the patrol supervisor for the area;
  4. Update the RCC concerning on-going events and ensure that the RCC has notified the patrol supervisor for that area;
  5. Be alert for:
    - a. Any perpetrator who may still be at the scene;
    - b. Any injured person who might require medical assistance; and
    - c. Any physical evidence that might be of value to Maine State Police investigators;
  6. Perform a cursory inspection of the area and establish a safe, secure perimeter.
    - a. Be mindful that scenes can often extend beyond the initial impression and always better to secure a larger area in an attempt to contain all possible evidence;
  7. Attend to any injured persons;
  8. Keep a written log of all persons who enter and exit the scene utilizing the Maine State Police Crime Scene Entry Log.
    - a. The log must be maintained until MCU takes control of the scene.
3. RESPONSIBILITIES OF THE PATROL SUPERVISOR FOR THE AREA IN WHICH A MAJOR CRIME SCENE IS LOCATED
- A. The patrol supervisor for the area in which a major crime scene is located shall:
    1. Respond to the scene and assume command of the incident;
    2. Ensure that the appropriate MCU is notified and coordinate resources with responding MCU personnel;
    3. Notify the Troop or State OD, as appropriate, when it is practicable to do so.
4. REMOVAL OF INJURED PERSONS WHILE PROTECTING A MAJOR CRIME SCENE
- A. In accordance with [MSP GO E-123](#), the first responding officer, as well as all personnel responding to a major crime scene, shall use personal protective equipment to avoid exposure to blood or other body fluids of any injured persons at the scene.
  - B. The first responding officer (and then that officer's supervisor, once he or she has arrived at the scene) shall ensure that the following is done with regard to injured persons at the scene:
    1. That an assessment of the nature of the injuries of each injured person is conducted;
    2. That a request for appropriate Emergency Medical Services (EMS) is made through the RCC.
      - a. If the scene is not safe, EMS should be requested to stage nearby until directed to the scene;
    3. That efforts are made to minimize damage to and disturbance of the crime scene during the rendering of first aid;
    4. That EMS personnel are directed to enter the scene so as not to disturb it needlessly.
      - a. Only the amount of personnel that are actually needed to provide first aid or to verify death should enter the scene, and efforts should be made to ensure that unnecessary personnel remain outside of the scene in an effort to minimize potential for contamination;
    5. That one pathway is established for entrance and exit from the scene;
      - a. Preferably the pathway should be the one least likely to have been used by the perpetrator(s) of the crime;
    6. That any scene disruption made by the original responding personnel is logged;

7. That in the event that injured persons are removed from the scene by EMS reasonable efforts are made to photograph the person and conditions;
  8. That a police officer accompanies to the hospital or medical facility each injured person in an ambulance, if adequate law enforcement personnel are at the crime scene when the ambulance(s) departs;
    - a. NOTE: Any officer who accompanies an injured person to a hospital or medical facility should arrange for proper collection and continuity of the clothing and personal effects of the person. If possible the sheet/gurney cover should be collected as well, because it may contain trace evidence transferred from the victim's clothing. Each item should be bagged separately;
  9. That a dying declaration is taken, if death of an injured person is imminent and surrounding circumstances warrant doing so. **If possible, the declaration should be recorded.**
5. DECEASED PERSON AT A MAJOR CRIME SCENE
- A. If any person found at a major crime scene is deceased, the person's body **cannot be moved** until the Chief Medical Examiner, or a representative of the Chief Medical Examiner's Office, gives express prior authorization to do so.
    1. The only exception to that prohibition is when the decedent's body is in danger of being destroyed, or the body itself presents a serious threat to the safety or health of others.
    2. The Chief Medical Examiner, or his or her authorized designee, has the legal authority, in conjunction with the Attorney General's Office, to enter a secured crime scene for the purpose of establishing that death has, in fact, occurred.
6. WITNESSES AT A MAJOR CRIME SCENE
- A. The first officer responding to a major crime scene (and then that officer's supervisor, if he or she has arrived at the scene) shall ensure that the following is done with regard to witnesses at a major crime scene:
    1. That all witnesses are identified, detained, and kept separated until interviews with each of them are conducted;
    2. That officers remain cognizant that "onlookers" may be potential witnesses and possess information relevant to the investigation, and that therefore such onlookers should be identified.
7. PERPETRATOR OR SUSPECT APPREHENDED AT A MAJOR CRIME SCENE
- A. If an officer apprehends an alleged perpetrator or suspect at a major crime scene, the officer shall detain the person in an area outside the crime scene perimeter, isolate the person, and await the arrival of an MCU investigator.
  - B. If an adequate number of law enforcement personnel are available, only one officer should maintain direct control over the alleged perpetrator or suspect.
  - C. An officer **should not** give an alleged perpetrator or suspect the *Miranda* warnings or undertake a formal interview without first discussing doing so with an MCU investigator.
    1. The officer detaining the alleged perpetrator or suspect, however, should be attentive to any spontaneous statements made by that person, and shall audio record (or audio and video record) his or her entire interaction with the perpetrator or suspect.
8. GENERAL INSTRUCTIONS – SCENE SECURITY
- A. Security of a major crime scene is of paramount importance.
  - B. A major crime scene should be secured as quickly as possible.
    1. To the fullest extent practicable, such a scene is to be secured with physical barriers (such as crime scene tape), and a scene entry- and exit-log is to be created.
    2. Once a scene is secured, only authorized persons investigating the scene may access it.
  - C. Law enforcement officers and civilians who are not administering medical attention or

- securing evidence that may be destroyed prior to the arrival of MCU investigators, are to be kept out of the scene.
- D. The scene must not be altered once the injured have been cared for and there is no immediate concern for loss or destruction of the bodies of any deceased persons at the scene.
1. Officers should not touch or move anything at the scene.
    - a. If a weapon or firearm is located, it should remain untouched in its original location, unless circumstances dictate that it cannot be safely left.
    - b. If a firearm has to be secured for safety reasons, reasonable efforts should be taken to photograph its position and to handle it in a manner so as to retain the integrity of any potential evidence.
  1. Officers should never use bathroom facilities, turn on water, use towels, use telephones, smoke, or use any tobacco products inside the scene perimeter.
  2. Officers should not discard any materials inside the scene perimeter.
- E. Within seventy-two (72) hours after responding to or attending a major crime scene, each officer who did so shall provide MCU investigators with complete and accurate written reports of the observations that each made at the crime scene.
1. Such observations of the scene are to include, but not be limited to, whether (to extent applicable) interior lights were on or off, if any appliances were on, doors were locked/unlocked prior to entry, and whether there were any signs of forced entry.
  2. Officers composing such reports also are to note how they each respectively made entry to the scene, as well as all actions each took at the scene and all information each gathered at the scene.
- F. Officers must remain aware of the fact that they may be called to testify in court regarding their observations of a major crime scene and the procedures that were followed at the scene.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT: MAINE STATE POLICE UNDERWATER RECOVERY TEAM |  
NUMBER: E-43**

**EFFECTIVE DATE: 08.23.2017 | RECENT HISTORY: AMENDED  
(08.23.2017); AMENDED (11.11.2015); AMENDED (09.18.2014); AMENDS  
MSP GO E-43 (09.09.2011); RESCINDS AND REPLACES GO 46A**

**DISTRIBUTION CODE: 2**

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Underwater Recovery Team.

### II. POLICY

1. The policy of the Maine State Police is to maintain a trained and well-equipped Underwater Recovery Team to provide underwater recovery services for law enforcement agencies.

*NOTE: Participation on a Maine State Police specialty team is contingent upon team members' satisfactory performance in their primary duty assignment. Participation on a specialty team is a privilege, not a right, and by accepting an assignment to a specialty team, a member of the Maine State Police waives any and all future claim of right to any benefit conferred upon the member by virtue of his or her participation on the team.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. UWBIED. "UWBIED" is an acronym for underwater-borne improvised explosive device.

### IV. PROCEDURE

1. TEAM DUTIES
  - A. The duties of the Maine State Police Underwater Recovery Team are to assist law enforcement agencies:

1. To recover bodies that are or may be under water;
2. To recover motor vehicles that are or may be under water;
3. To recover crime-related evidence that is or may be under water;
4. To conduct searches for UWBIEDs; and
5. To assist with any other similar-type tasks, as approved by the Dive Team Commander.

## 2. TEAM STRUCTURE

- A. The Team shall consist of as many members as are authorized by the Colonel, or his or her designee.
- B. From current members of the Team the Colonel shall select one Team Commander, who shall lead the Team, and as many Assistant Team Commanders as the Special Services Lieutenant deems necessary.
  1. The Team Commander shall:
    - a. Provide administrative oversight over the Team;
    - b. Ensure that records are maintained regarding operational dives, as well as of equipment inventory and maintenance;
    - c. Ensure that all Team members are properly trained;
    - d. Ensure that training records are maintained for each Team member;
    - e. Ensure that all equipment used by the Team is safely maintained and is appropriate for dives;
    - f. Annually report the Team's training activities to the Special Services Lieutenant;
    - g. Coordinate the purchase of any equipment needed by the Team; and
    - h. Issue and replace equipment used by the Team, as needed.
  2. In the event the Team Commander or an Assistant Team Commander is not available to take part in a given dive, the Team Commander shall assign a Diver-in-Charge, who shall lead and be responsible for all facets of the dive. Each operational dive must have a designated Diver-in-Charge if the Team Commander or an Assistant Team Commander is not available.
  3. The Team may have up to two (2) dive tender positions who shall assist Team divers, operate watercraft, handle shore operations for the Team, and perform other duties as assigned and directed by the Team Commander or Diver-In-Charge.
    - a. The intent of the dive tender positions is to provide an opportunity for Troopers appointed to the positions to become familiar with and learn about the Team's operations, so as to be able to determine later whether to join the team as a diver, if otherwise qualified.
    - b. After a Trooper has served as a dive tender for one (1) year, that Trooper and the Team Commander shall meet to discuss the Trooper's level of interest in becoming a diver for the Team when a diver vacancy exists.

1. A Trooper who has served as a dive tender for the Team who either decides not to become a diver, or who is unsure about whether to become a diver, may be replaced by the Team Commander with another Trooper who wants the same opportunity to become familiar with and learn about the Team's operations, so as to be able to determine later whether to join the team as a diver, if otherwise qualified.

C. The Team Commander reports directly to the Special Services Lieutenant.

### **3. TEAM MEMBERSHIP**

#### **A. SELECTION**

1. When a vacancy on the Team exists, the Special Services Lieutenant, or his or her designee, shall notify all sworn Maine State Police officers of the opening.
  - a. An officer interested in joining the Team shall forward a written request through the officer's commanding officer to the Special Services Lieutenant, or his or her designee. The officer's commanding officer shall forward with the written request a recommendation and copies of the officer's performance evaluations for the most recent rating period.
2. Consideration in the final selection to the Team shall be based on:
  - a. A candidate's time in service and/or related experience;
    - (1) A candidate must have completed one year of service from graduation of the Recruit Training Troop. Exceptions will be handled on a case-by-case basis for new members that were certified as a law enforcement officer and were, or are currently certified in, or assigned to a related law enforcement specialty;
  - b. Having met or exceeded expectations on the most recent performance evaluation;
  - c. A willingness to make a minimum commitment of three (3) years to the Team;
  - d. The recommendation of the commanding officer of a candidate;
  - e. The geographic location of the candidate's residence;
  - f. The operational needs of the Maine State Police; and
  - g. The approval of the Special Services Major.
3. Each eligible interested officer must:
  - a. Successfully complete an oral board. Oral board members shall include the Special Services Lieutenant, the Team Commander, and Assistant Team Commanders;
  - b. Successfully complete physical fitness assessment tests (*see* [MSP GO E-107](#));
  - c. Successfully complete a water skills test, if applying for a position on the Team as a diver; and
4. Any officer selected to join the Team shall be a probationary member of

the Team for one (1) year. At the end of the period, the Team Commander shall make a recommendation to the Special Services Lieutenant as to whether the officer should become a permanent member of the Team. The Special Services Lieutenant, under the direction of the Special Services Major, shall determine whether the officer will become a permanent member of the Team based on the Team Commander's recommendation and any other information the Special Services Lieutenant thinks relevant to the determination.

#### **4. TEAM EQUIPMENT**

- A. Equipment, as determined by the Team Commander following consultation with the Special Services Lieutenant, may be issued to each member of the Team and may be kept in officers' respective vehicles or in the Team's vehicle.
- B. Each Team member must be cross-trained with all equipment.
- C. All equipment must be maintained in excellent working order and kept clean.
- D. Problems with issued equipment must be promptly reported to the Team Commander or an Assistant Team Commander.

#### **5. TEAM TRAINING**

- A. Training generally
  - 1. The Team Commander shall determine the scope and subject matter of Team training.
  - 2. The Team Commander, or his or her designee, shall maintain a training file for each Team member.
  - 3. Each year the Special Services Lieutenant, after consulting with the Team Commander and the Operations Major, shall determine and set the total number of annual training hours the Team is required to complete, and shall communicate that information to members of the Team, Maine State Police Commanding Officers, and the Maine State Police Command Staff.
- B. Attendance
  - 1. Each Team member shall attend, participate in, and satisfactorily meet the goals and learning objectives of all required Team training.
  - 2. For good cause, the Team Commander may excuse a member from a Team training session.
- C. Non-Maine State Police training records
  - 1. Each Team member shall ensure that a copy of attendance records from an outside training program (e.g., NESPAC) are forwarded to the Maine State Police Training office.
- D. Any member of the Team engaged in providing Maine State Police sanctioned SCUBA instruction shall carry appropriate instructor's liability insurance. Adequate coverage shall be maintained to insure the member at the level for which the member is providing instruction.
  - 1. The Maine State Police shall pay for the liability insurance required of members of the Team engaged in authorized SCUBA instruction. Should a member covered by Maine State Police-paid liability insurance wish to engage in private, commercial SCUBA instruction, the member shall reimburse the Maine State Police for the cost of the insurance

prior to engaging in such activity.

## **6. INJURIES TO TEAM MEMBERS**

- A. With respect to injuries to or medical work restrictions placed on a Team member, the Team and Team member shall act in accordance with [MSP GO E-108](#).

## **7. TEAM SAFETY**

- A. Safety is the responsibility of all Team members.
- B. Any Team member who does not feel competent or able to participate in or to complete a diving assignment shall promptly notify the Team Commander, an Assistant Team Commander, or the Diver-in-Charge.
- C. Any Team member who becomes aware of an unsafe or potentially unsafe situation during a diving assignment shall immediately notify the Team Commander, an Assistant Team Commander, or Diver-in-Charge.
- D. Repeated unsafe acts by a Team member shall constitute cause for removal of a Team member from the Team.
- E. The Team shall comply and be administered in accordance with the standards and requirements set for in Maine Department of Labor, Occupation Safety and Health Board Regulation [12-179 CMR c. 5, OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR PUBLIC SAFETY DIVING](#).

## **8. TEAM ACTIVATION**

- A. A commissioned officer of the Maine State Police may request activation of the Team by contacting the Team Commander.
- B. The ranking law enforcement officer in charge of a scene or investigation controlled by that officer's law enforcement agency may request the assistance of the Team by contacting the Team Commander.
- C. Any Team member who receives a request for diving services shall promptly notify the Team Commander, an Assistant Team Commander, or, as applicable, the Team Commander or Assistant Team Commander's designee.
- D. Upon the receipt of a request for activation --
  - 1. The Team Commander, Assistant Team Commander, or, as applicable, designee, shall gather as much information as possible from the individual requesting the assistance of the Team, and then make the determination of whether to activate the Team to respond to the request.
  - 2. If a decision is made to to activate the Team, notification shall be made to the appropriate RCC and a request shall be made that the RCC --
    - a. Contact specified or all Team members to notify them that the Team has been activated; and
    - b. Contact the Special Services Lieutenant, the Officer of the Day, and the Troop Commander of the Troop in which the scene to which the Team is responding is located.
      - (1) The Team Commander, an Assistant Team Commander, or, as applicable, the Team Commander or Assistant Team Commander's designee, shall ensure that each RCC is provided with a Team member roster that is current.

## 9. DIVE PROCEDURES

- A. All Team members shall conform to the requirements of the United States Navy Decompression Tables, Professional Association of Diving Instructors (PADI) Dive Tables, or appropriate computer controlled dive profiles.
- B. The Team Commander, an Assistant Team Commander, or Diver-in-Charge shall determine and assign the appropriate number of diving personnel to effectively and safely accomplish the objective of the dive.
- C. When selecting Team members for an operational dive assignment, the Team Commander, an Assistant Team Commander, or Diver-in Charge shall consider individual diving skill, training, experience, ability, and geographic location.
- D. Team members responding to a potential lifesaving situation may use personal judgment in engaging in a diving operation with minimal personnel support; however, personal safety and the safety of others are to remain the primary concern.
- E. Any injury to a Team member must be reported immediately to the Team Commander, an Assistant Team Commander, or Diver-in-Charge. As soon as reasonably possible, but within no more than three days, the Team Commander, an Assistant Team Commander, or Diver-in-Charge must ensure an employee's First Report of Injury Form, and a supervisor's First Report of Injury Form, are completed and forwarded to the attention of the Special Services Lieutenant.

## 10. TEAM DEACTIVATION

- A. Following the conclusion of a diving assignment, the Team Commander, an Assistant Team Commander, or, if neither the Team Commander nor any Assistant Team Commander is available, then the Diver-in-Charge, shall assemble and meet with Team members for debriefing purposes.

## 11. REPORTS AND DOCUMENTATION

- A. The Special Services Lieutenant may require any such reports or documentation to be created and/or utilized by the Team that, in the Special Services Lieutenant's judgment, is necessary to ensure the effective and responsible operation of the Team. Such reports and documentation may include, but are not limited to --
  1. Standardized documents that may be used in determining whether Team activation should occur in response to a request for Team activation;
  2. Standardized documents that may be used to obtain information when a request Team activation is made;
  3. Reports memorializing the operations of the Team.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO**

**CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE EVIDENCE RESPONSE TEAM | **NUMBER:** E-49

**EFFECTIVE DATE:** 12.29.2016 | **RECENT HISTORY:** AMENDED (12.29.2016); CORRECTED (NONSUBSTANTIVE EDITS) (12.07.2010); REVISED MSP GO E-49 (FORMERLY G.O. 83T) (12.08.2010)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Evidence Response Team ("ERT," "team").

### II. POLICY

1. The policy of the Maine State Police is to maintain a trained, certified, and well-equipped team of officers to respond to and examine major scenes that require investigation by law enforcement personnel.
  - A. Troopers and supervisors shall continue to maintain responsibility for the documentation and processing of crime scenes that are not "major scenes," as that term is defined in this order (e.g., routine property crime scenes).
  - B. Nothing in this policy prohibits a Troop Commander, or his or her Sergeants, from assigning members of the ERT who are assigned to the Troop to document and process crime scenes that are not "major scenes," as that term is defined in this order (e.g., routine property crime scenes).

*NOTE: Participation on a Maine State Police specialty team is contingent upon team members' satisfactory performance in their primary duty assignment. Participation on a specialty team is a privilege, not a right, and by accepting an assignment to a specialty team, a member of the bureau waives any and all future claim of right to any benefit conferred upon the member by virtue of his or her participation on the team.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Major scene. "Major scene" means a location where either:
    1. A murder, suspicious death, or serious bodily injury that has potential to become a murder has occurred; or
    2. A law enforcement officer-involved shooting has occurred.
  - B. On-scene supervisor. "On-scene supervisor" means the ranking officer responsible for overall control of the investigation that necessitated the activation of the ERT.
  - C. Primary investigator. "Primary investigator" means the officer assigned to conduct

the investigation that necessitated the activation of the ERT.

- D. Senior team member. "Senior team member" means a member of the ERT who either is certified by the IAI Certification Board as a Crime Scene Analyst, or who is diligently working toward such certification and is authorized by the Colonel to be a member of the ERT.
- E. Team commander. "Team commander" means the ERT Sergeant or, when necessary and appropriate, his or her designee.

#### **IV. PROCEDURE**

##### **1. TEAM DUTIES**

- A. Upon a request made pursuant to this policy, the team shall respond to major scenes when and as directed to do so by the team commander.

##### **2. TEAM STRUCTURE**

- A. The Maine State Police ERT shall consist of as many members as are authorized by the Colonel, or designee.
- B. The team shall be administered by the ERT Administrator, who is the Director of the Maine State Police Crime Laboratory.
- C. From the current members of the team the Colonel shall select a team commander, who must be certified by the International Association of Identification (IAI) Crime Scene Certification Board as a Senior Crime Scene Analyst.
  - 1. The team commander is responsible for team training, the administration of qualification examinations, inventory maintenance, and overall supervision of the activities of the ERT.
- D. From the current members of the team the Colonel shall select an assistant team commander, who must be certified by the IAI Crime Scene Certification Board as a Senior Crime Scene Analyst.
  - 1. The assistant team commander is responsible for assisting the team commander with respect to team training, the administration of qualification examinations, inventory maintenance, and overall supervision of the activities of the ERT.
- E. The team commander reports directly to the ERT Administrator with respect to the activities of the team.
- F. The team commander shall designate senior team members, as authorized by the Colonel, who shall be responsible for a geographical area of the State.
  - 1. Senior team members shall be responsible for supervising team members who work in the same jurisdiction as the respective senior team member.
  - 2. Senior team members should be certified by the IAI Crime Scene Certification Board as a Crime Scene Analyst, or be diligently working toward such certification.
- G. Each team member should be certified by the IAI Crime Scene Certification Board as, at a minimum, a Crime Scene Technician, or be diligently working toward such certification.
- H. To the extent time and resources permit, and with the approval of the team commander, members of the team may consult with individuals with specific forensic expertise, in order to obtain advice from such individuals regarding 'best practices' in scientific techniques and methodology.

##### **3. TEAM MEMBERSHIP**

###### **A. SELECTION**

- 1. When a vacancy on the team exists, the ERT Administrator, or his or her designee, shall notify all sworn Maine State Police officers of the opening.
  - a. An officer interested in joining the team shall forward a written request through the officer's commanding officer to the Crime Laboratory Lieutenant, or his or her designee. The officer's commanding officer shall

forward with the written request a recommendation and copies of the officer's performance evaluations for the most recent rating period.

2. Consideration for final selection to the team shall be based on:
  - a. A candidate's time in service and/or related experience.
    1. A candidate must have completed one (1) year of service after graduation from the Recruit Training Troop and have met or exceeded expectations on the most recent performance evaluation.
      - A. Any exceptions to this requirement shall be considered on a case-by-case basis for new members who were certified as law enforcement officers and who were, or are, currently certified in or assigned to a related law enforcement specialty;
  - b. A candidate's willingness to make a minimum commitment of three (3) years to the team;
  - c. A candidate's commanding officer's recommendation;
  - d. The geographic location of the candidate's residence;
  - e. The operational needs of the Maine State Police; and
  - f. The approval of the Support Services Major.
3. Each candidate must successfully complete the specific testing and evaluation processes associated with the ERT.
4. An officer selected to join the ERT shall be a probationary member of the ERT for one (1) year. At the end of that period, the ERT Commander shall make a recommendation to the ERT Administrator as to whether the officer should become a permanent member of the ERT. The ERT Administrator, under the direction of the Support Services Major, shall determine whether the officer will become a permanent member of the ERT based on the ERT Commander's recommendation and any other information the ERT Administrator thinks relevant to the determination.

#### B. MEMBER RETENTION REQUIREMENTS

1. To remain a member of the team, each team member shall --
  - a. Respond immediately to calls for a team response when requested;
  - b. Successfully acquire and maintain IAI Crime Scene Certification Board certification;
  - c. Maintain proficiency in processing major scenes;
  - d. Attend, participate in, and meet the training goals and learning objectives of all required team training; and
  - e. Meet or exceed expectations on general, and team supplemental, performance evaluations.
2. Failure to meet any of the above requirements is grounds for the removal of a member from the team. The ERT Administrator must approve the removal of any team member from the team.

#### 4. TEAM EQUIPMENT

- A. Equipment, as determined by the team commander following consultation with the ERT Administrator, may be issued to each member and must be kept in the members' issued vehicles.
- B. All equipment must be maintained in excellent working order, kept clean, and decontaminated after each scene is processed.
- C. Problems with issued equipment must be promptly reported to the team commander, or designee.
- D. A sufficient number of team vehicles equipped for scene processing must be

maintained geographically and strategically located.

1. Each such vehicle is to be assigned to a senior team member, or designee, and he or she shall be responsible for the maintenance of the vehicle, as well as for ensuring that the vehicle is fully stocked and equipped.

## 5. TEAM TRAINING

### A. Training Generally

1. The team commander shall determine the scope and subject matter of team training.
2. The team commander shall maintain a training record for each team member.
3. Each year the ERT Administrator, after consulting with the team commander and the Operations Major, shall determine and set the total number of annual training hours the team is required to complete, and shall communicate that information to members of the team, Maine State Police Commanding Officers, and the Maine State Police Command Staff.

### B. Attendance

1. Each team member shall attend, participate in, and satisfactorily meet the goals and learning objectives of all required team training.
2. For good cause, the team commander may excuse a member from a team training session.

### C. Non-MSP Team Training Records

1. Each team member shall ensure that a copy of attendance records from an outside training program (e.g., NESPAC) are forwarded to the Maine State Police Training office.

## 6. INJURIES TO TEAM MEMBERS

- A. With respect to injuries to or medical work restrictions placed on a team member, the team and team member shall act in accordance with [MSP GO E-108](#).

## 7. TEAM ACTIVATION

- A. The senior ranking Maine State Police officer at a major scene may request the assistance of the team by contacting the appropriate Regional Communications Center (RCC) to request that the RCC contact the team commander or assistant team commander to request activation of the team.
- B. The team commander, or assistant team commander, if applicable, shall gather as much information as possible from the individual requesting the assistance of the team, and then make the determination of whether to activate the team to respond to the request.
- C. If the team commander, or assistant team commander, if applicable, decides to activate the team, he or she may notify the appropriate RCC and request that the RCC contact the team members who are to respond to the major scene.
  1. The team commander shall ensure that each RCC is provided with a team roster that is current.
- D. An on-duty team member whose assistance is requested at a major scene must contact his or her supervisor, or designee, to request permission to respond to the major scene.
  1. A team member who is denied permission to respond to a major scene, or who is otherwise unable to respond to a major scene, must ensure that appropriate personnel are promptly notified so that another team member may be assigned to the location of the major scene.
- E. A team member may respond to and assist with the processing of a scene that is not a major scene if the team member requests, and is granted, permission from his or her supervisor to do so.

## 8. TEAM RESPONSE

- A. At any major scene to which the ERT responds, the senior team member shall report to the on-scene supervisor to collaboratively coordinate the team's work at the scene.
  1. Once the processing of a major scene has been completed and the scene is released, the ERT shall participate in any debriefing and investigative meetings intended to assist with the investigation and prosecution of the case to which the major scene relates.
  2. The senior team member is responsible for briefing the team commander regarding the team's response to and work at a major scene.

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# MAINE STATE POLICE GENERAL ORDER

## E-51

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING POLICE – MEDIA RELATIONS

**EFFECTIVE DATE:** 31 JULY 2019

**RECENT HISTORY:** REVISED (07.31.2019); TECHNICAL CHANGE (10.04.2011); FORMAT & TECHNICAL AMENDMENTS (06.08.2010); RESCINDS POLICY 24 (09.01.1999)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding Maine State Police relations with the media.

### II. POLICY

1. The policy of the Maine State Police is to communicate with the media as efficiently and effectively as practicable, including by releasing information publicly about Maine State Police events and investigations in a manner that is timely and does not interfere with law enforcement proceedings.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Colonel. “Colonel” means the Chief of the Maine State Police, or her or his authorized designee or authorized designees.
- B. Media. “Media” means any person or organization that as a profession reports information to the public.
- C. Media briefing area. “Media brief area” means the site at the location of an incident under the control of the Maine State Police where the media may set up cameras and receive briefings on the incident.

### **III. PROCEDURE**

#### **1. MEDIA ACCESS TO MAINE STATE POLICE INFORMATION**

- A. The Maine State Police shall provide the media with reasonable access to Maine State Police personnel in order to share information concerning the activities, operations, and investigations of the agency.
- B. Information that may be publicly disclosed to the media must be disclosed as soon as practicable, but only if such disclosure will not interfere with pending law enforcement proceedings.
  - 1. In determining whether and when information may be disclosed to the media, the Maine State Police shall take into consideration the media deadlines; however, those deadlines must not alone dictate whether or when information is disclosed to the media.
- C. Written statements about an incident to which the Maine State Police is responding or an investigation that the agency is conducting may be released to the media, and to the public generally, only if –
  - 1. The disclosure of the information is permissible by law – namely, by the State of Maine “Intelligence and Investigative Record Information Act.” *See generally:* <http://legislature.maine.gov/statutes/16/title16ch9seco.html>; and
  - 2. The written statements are approved by the Colonel prior to release.
- D. Through the Chain-of-Command, Maine State Police personnel shall promptly notify the Colonel of incidents and investigations in which there likely will be media interest.
- E. At the scene of any incident or crime scene controlled by the Maine State Police, the officer in charge of that scene shall designate a media briefing area as soon as practicable.
- F. Requests for information made by the media that relate to complaints or investigations of complaints against a Maine State Police employee shall

be promptly referred to the Maine State Police Office of Professional Standards.

- G. Media access to Maine State Police records – including, but not limited to, investigation-related records – is governed by [MSP GO M-8, MAINE STATE POLICE POLICY REGARDING PUBLIC ACCESS TO MAINE STATE POLICE RECORDS](#).

## 2. INVESTIGATION-RELATED INFORMATION

- A. Information relating to a Maine State Police investigation only may be released publicly – including, but not limited to, to the media – if permissible by applicable law.
1. The restrictions of the State of Maine Intelligence and Investigative Record Information Act apply to the release of investigation-related information. See generally <http://legislature.maine.gov/statutes/16/title16ch9sec0.html>.
- B. Generally stated, information that may be released publicly in connection with an open Maine State Police investigation is the following:
1. The type or nature of the incident or crime;
  2. Requests for assistance in apprehending a suspect, which may include the identity of the suspect;
  3. The name of the officer in charge of an investigation, the name of that officer's supervisor, and the officers' Troop or Unit.
    - a. The name of any officer working covertly shall **not** be released;
  4. The number of officers assigned to an investigation, if known;
  5. The known or anticipated length of an investigation;
  6. Information previously disclosed publicly;
  7. General information pertaining to anticipated further action to be taken during an investigation; and
  8. A warning to the public of any dangers.
- C. Generally stated, information that **may not** be released to the media or otherwise publicly in connection with an open Maine State Police investigation includes, but is not limited to, the following:

1. The identities of suspects prior to their arrest, unless such information would aid in apprehending the suspects or serve to warn the public of potential danger;
2. The identities of potential or actual victims and witnesses of a crime;
3. The identities of witnesses;
4. The identities of any juveniles who are suspects in a case subject to the jurisdiction of the Maine Juvenile Court;
5. The identities of critically injured or deceased persons, until notification of next of kin has been made, and only then if the disclosure will not compromise a pending law enforcement investigation or criminal prosecution;
6. The results of any investigation-related procedures such as lineups, polygraph tests, fingerprint comparisons, ballistics tests, and other such procedures.
  - a. The fact that such tests have been performed may be revealed without further comment;
7. Information that, if prematurely released, may interfere with the investigation or apprehension of persons suspected of having committed known or possible crimes.
  - a. Such information might include, but not be limited to, the nature of leads, suspects' "*modus operandi*" ("MO"), details of crimes known only to the perpetrators of the crimes and the police, and information that may cause suspects to flee or more effectively avoid apprehension;
8. Information that may be of evidentiary value in criminal proceedings;
9. Specific causes of death, unless officially determined and first disclosed by State of Maine Office of the Medical Examiner;
10. Information pertaining to an individual's prior criminal record, character, or reputation;
11. The fact that an individual has confessed or admitted to unlawful conduct;
12. The substance of any confession or admission made by an individual;
13. Statements made by any individual;
14. Information disclosing that an individual has been unwilling or unable to speak to law enforcement representatives;
15. Information pertaining to an individual's performance on tests or evaluations of any kind, including, but not limited to, performance on polygraph examinations and blood-alcohol test;

16. Information disclosing that an individual has been unwilling or unable to take a test or evaluation;
17. The identities of victims and witnesses involved in an incident that may result in criminal charges against an individual; and
18. Any opinion or knowledge about the guilt or innocence of an accused individual, the merits of a pending case, or the potential for a plea bargain or other pretrial action to occur.

### 3. ARREST INFORMATION

- A. Generally stated, following the arrest of, or the issuance of a summons to, a specific individual, the following information about that individual may be publicly disclosed:
  1. The specific crime or crimes with which the individual has been charged;
  2. The individual's name, age, and municipality and State of residence;
  3. The time when and place where the individual was arrested or summonsed;
  4. If known, the amount of bond set, any scheduled court dates, and place of the individual's detention if he or she in fact is detained.
- B. Individuals who are in Maine State Police custody shall not be posed or subjected to arrangements for photographs, telecasts or interviews, nor shall Maine State Police personnel pose with such individuals.

### 4. RELEASE OF INFORMATION PERTAINING TO HOMICIDE INVESTIGATIONS

- A. Because of the Criminal Division of the Maine Office of the Attorney General has exclusive jurisdiction over homicide prosecutions, information pertaining to such investigations shall not be disclosed without the prior approval of that division.
  1. Only information that has been approved for release by the Criminal Division may be disclosed publicly; no other information may be disclosed unless first approved by that division.

5. MEDIA AND PUBLIC ACCESS TO INCIDENT AND CRIME SCENES CONTROLLED BY THE MAINE STATE POLICE

A. The media shall not be permitted access to any incident or crime scene controlled by the Maine State Police without the prior approval of the Maine State Police officer in charge of that scene, or his or her designee, and, when applicable, the legal owner of the property where the incident or crime occurred.

1. In determining whether such access may be provided, the Maine State Police shall consider –

- a. Whether access to the scene would compromise the integrity of any evidence that might be at the scene;
- b. Whether access to the scene would interfere with law enforcement proceedings or investigations, or future criminal prosecutions;
- c. Whether access to the scene would pose a danger to anyone entering the scene; and
- d. When applicable, whether the owner of the property where the scene is located has given express prior permission for the media to access the property.

6. INFORMATION RELATING TO KNOWN OR SUSPECTED SUICIDES

A. The fact that a suicide or suspected suicide has occurred may be reported to the media, along with information describing how it happened and whether a suicide note was left by the suicide victim.

B. No other information about a suicide or suspected suicide may be released, including, but not limited to:

1. The name of the suicide victim, until next of kin have been notified;
2. The contents of suicide notes.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** TROOP OR UNIT TRAINING COORDINATOR | **NUMBER:** E-52

**EFFECTIVE DATE:** 05.04.1983 | **RECENT HISTORY :** TECHNICAL CHANGE (10.04.2011);  
CONVERTED TO WEB FORMAT (01.09.2009); FORMERLY POLICY NO. 77 (05.04.1983)

**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of the Troop or Unit Training Coordinator is
  - A. to increase the overall department capabilities in the areas of personnel training, enhancement and resource development.
  - B. To present his/her respective Troop or Unit's training needs.

### II. POLICY

-

### III. DEFINITIONS

-

### IV. PROCEDURE

#### 1. ASSIGNMENT

- A. One Training Coordinator will be assigned by each Troop or Unit Commanding Officer.

#### 2. FUNCTION

- A. The Troop or Unit Training Coordinator shall:
  1. Meet the Maine Criminal Justice Academy's requirements of a Training Coordinator[;]
  2. Represent his or her Troop or Unit as a member of the Department's Training Council[;]
  3. Maintain and update as necessary all Troop or Unit personnel training records [;]
  4. Monitor all training requests from the Troop or Unit personnel by evaluating the need for such training based on the officer's work assignment or performance deficiency[;]
  5. Periodically reassess the Troop or Unit's individual training needs through feedback from the supervisors and commanding officer[;]
  6. Conduct or coordinate training sessions on the Troop or Unit level as needed [;]
  7. Follow up completed individual officer training received outside the Troop or

- Unit in order to evaluate its potential benefit for future Troop or Unit training [;]
8. Maintain a current personnel resource file whereby individual officers with particular specialties can be utilized when needed[;]
  9. Coordinate all training on the Troop or Unit level with the Maine Criminal Justice Academy and the Bureau of State Police Training Officer to insure personnel are given [in-service] training credits for courses attended[; and]
  10. Report to the Troop or Unit Commanding Officer training deficiencies as they develop and corrective training programs constructed whereby personnel enhancement can be achieved.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING LAW ENFORCEMENT ON TRIBAL LANDS | **NUMBER:** E-56

**EFFECTIVE DATE:** 08.24.2017 | **RECENT HISTORY:** REVISED (08.24.2017); REVISED (EFFECTIVE 10.06.2011); MSP GO E-56 (FORMERLY GO 61C) (EFFECTIVE 01.01.1998; RESCINDED MSP POLICY NO. 66); POLICY NO. 66 (EFFECTIVE 02.24.1981)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the enforcement of law on Tribal lands.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To comply with the provisions of the [30 M.R.S. Ch. 601, Maine Indian Claims Settlement Act \("MICSA"\)](#), particularly those that govern the enforcement of law on Tribal lands by Maine State, county, and municipal law enforcement agencies;
  - B. To generally refrain from taking law enforcement action or conducting law enforcement activity on Tribal lands; and
  - C. When the Maine State Police must take law enforcement action or activity on Tribal lands, to first notify the Tribal law enforcement agency of jurisdiction, unless exigent circumstances make such notification impracticable.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Houlton Band of Maliseet Indians. "Houlton Band of Maliseet Indians" means that Tribe defined at [30 M.R.S. sec. 6203\(2\)](#).
  - B. Passamaquoddy Tribe. "Passamaquoddy Tribe" means that Tribe defined at [30 M.R.S. sec. 6203\(7\)](#).
  - C. Penobscot Nation. "Penobscot Nation" means that nation defined at [30](#)

[M.R.S. sec. 6203\(10\)](#).

D. Tribal lands. "Tribal lands" means:

1. Passamaquoddy Indian territory, as defined at [30 M.R.S. sec. 6205\(1\)](#).
2. Penobscot Indian territory, as defined at [30 M.R.S. sec. 6205\(2\)](#); and
3. The Houlton Band of Maliseet Indians Trust Land, as defined at [30 M.R.S. sec. 6203\(2-A\)](#).

#### IV. PROCEDURE

1. Sworn officers shall be generally familiar with the provisions of the Maine Indian Claims Settlement Act ("MICSA"), as set forth in Title 30, Chapter 601 of the Maine Revised Statutes:
  - [30 §6201. Short title](#)
  - [30 §6202. Legislative findings and declaration of policy](#)
  - [30 §6203. Definitions](#)
  - [30 §6204. Laws of the State to apply to Indian Lands](#)
  - [30 §6205. Indian territory](#)
  - [30 §6205-A. Acquisition of Houlton Band Trust Land](#)
  - [30 §6206. Powers and duties of the Indian tribes within their respective Indian territories](#)
  - [30 §6206-A. Powers of the Houlton Band of Maliseet Indians](#)
  - [30 §6206-B. Law enforcement powers of Houlton Band of Maliseet Indians](#)
  - [30 §6207. Regulation of fish and wildlife resources](#)
  - [30 §6208. Taxation](#)
  - [30 §6208-A. Houlton Band Tax Fund](#)
  - [30 §6209-A. Jurisdiction of the Passamaquoddy Tribal Court](#)
  - [30 §6209-B. Jurisdiction of the Penobscot Nation Tribal Court](#)
  - [30 §6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court](#)
  - [30 §6209-D. Full faith and credit](#)
  - [30 §6210. Law enforcement on Indian reservations and within Indian territory](#)
  - [30 §6211. Eligibility of Indian tribes and state funding](#)
  - [30 §6212. Maine Indian Tribal-State Commission](#)
  - [30 §6213. Approval of prior transfers](#)
  - [30 §6214. Tribal school committees](#)
2. Of the above-listed provisions of the MICSA, sworn officers shall be more specifically familiar with the following:
  - [30 §6206-B. Law enforcement powers of Houlton Band of Maliseet Indians](#)

- [30 §6209-A. Jurisdiction of the Passamaquoddy Tribal Court](#)
  - [30 §6209-B. Jurisdiction of the Penobscot Nation Tribal Court](#)
  - [30 §6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court](#)
  - [30 §6209-D. Full faith and credit](#)
3. Particular attention shall be given by sworn officers to [30 §6210. Law enforcement on Indian reservations and within Indian territory](#), which provides as follows in subsection 2:
- **2. Joint authority of tribal and state law enforcement officers.** Law enforcement officers appointed by the Passamaquoddy Tribe or the Penobscot Nation have the authority within their respective Indian territories and state and county law enforcement officers have the authority within both Indian territories to enforce rules or regulations adopted by the commission under [\[30 §6207. Regulation of fish and wildlife resources\]](#), **subsection 3** and to enforce all laws of the State other than those over which the Passamaquoddy Tribe or the Penobscot Nation has exclusive jurisdiction under [\[30 §6209-A. Jurisdiction of the Passamaquoddy Tribal Court\]](#), **subsection 1** and [\[30 §6209-B. Jurisdiction of the Penobscot Nation Tribal Court\]](#), **subsection 1**, respectively.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING INVESTIGATING AND REPORTING MAINE STATE POLICE MOTOR VEHICLE COLLISIONS | **NUMBER:** E-57

**EFFECTIVE DATE:** 09.26.2017 | **RECENT HISTORY:** AMENDED (09.26.2017); AMENDS MSP GO E-57 (12.18.2009); RESCINDS G.O. 61E (12.18.2007)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish a uniform method of investigating and reporting collisions involving Maine State Police vehicles.

### II. POLICY

1. The policy of the Maine State Police is that, when a Maine State Police vehicle is involved in a collision, that collision must be reported and investigated promptly and with all due diligence.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Collision. "Collision" means an occurrence in which a motor vehicle strikes one or more persons or objects, including, but not limited to, another motor vehicle.
    1. Any damage to a vehicle, however caused, is a collision.
    2. For administrative and practical purposes, the word "crash" is synonymous with the word "collision."
  - B. Director. "Director" means a civilian member of a Maine State Police unit who is generally responsible for managing and supervising that unit.
  - C. Employee. "Employee" means an employee of the Maine State Police.
  - D. Fleet Safety Board ("FSB"). "Fleet Safety Board" means a board appointed by the Colonel to review collisions involving Maine State Police vehicles.
  - E. Maine State Police Unit. "Maine State Police Unit" means a major organizational component of the Maine State Police such as, for example, the Crime Lab, the State Bureau of Identification, or a Troop.
  - F. Maine State Police vehicle. "Maine State Police vehicle" means a vehicle that is owned or leased by the Maine State Police.
  - G. Non-reportable. "Non-reportable" means that only property damage in an amount less than \$1,000 resulted from a collision.
  - H. Operator. "Operator" means an individual who drives or is in control of a vehicle, or who is exercising control over or steering a towed vehicle.

- I. Reportable. "Reportable" means personal injury, death, or property damage in an amount greater than or equal to \$1,000 resulted from a collision.
- J. Risk Management. "Risk Management" means the State of Maine Division of Risk Management within the Department of Administrative and Financial Services.

#### IV. PROCEDURE

##### 1. REPORTING AND INVESTIGATING COLLISIONS INVOLVING MAINE STATE POLICE VEHICLES

- A. A person operating a Maine State Police vehicle that is involved in a collision must:
  1. Immediately report the collision to the appropriate Regional Communications Center, unless the person is unable to do so due to injury; and
  2. Remain at the scene, unless:
    - a. That operator must be transported to a medical facility due to injury; or
    - b. Operational needs require an employee operator to continue working, provided the supervisor of the employee is notified by that employee as soon as practicable.
- B. The patrol supervisor or section Officer of the Day shall ensure that an officer is assigned to investigate a collision involving a Maine State Police vehicle.
  1. Whenever possible, collisions involving an operator who is a sworn officer should be investigated by a Maine State Police officer of a higher rank or the Officer of the Day .
    - a. Such collisions resulting in serious personal injury or death may not be investigated by an officer below the rank of Sergeant. If operational needs interfere with this mandate an accident reconstructionist may be assigned by the Officer of the Day to investigate the crash.
- C. The investigating officer shall:
  1. **Use all necessary resources to ensure** that the investigation is complete and that the resulting reports are accurate.
    - a. Resources may include, but are not limited to:
      1. Collision reconstruction;
      2. Forensic vehicle autopsy;
      3. Forensic mapping;
      4. Crime Lab analysis;
      5. A Drug Recognition Expert; and
      6. Major Crime Unit personnel to assist with interviews;
  2. **Ensure that photographs are taken;**
    - a. For the purposes of the investigation, the investigating officer shall take photographs of:
      1. Any damage to the Maine State Police vehicle;
      2. Any damage to any other vehicle or property;
      3. The approach to the scene of the collision from relevant perspectives; and
      4. Any factors that may have contributed to the collision, for example, visual obscurities, weather, or road conditions;
    - b. If the collision or incident occurs during inclement weather, at night, or when scene photographs cannot be otherwise obtained at the time of the investigation, the investigating officer shall return to the scene as soon as possible and obtain sufficient photographs;
    - c. The investigating officer shall submit the photographs as evidence; and indicate, where appropriate, that the photographs relate to a Maine

State Police vehicle collision;

- d. The investigating officer shall also determine whether any vehicle involved in the collision was equipped with an audio/video recording system that is designed to create an audio/video recording when in the "off" or "non-recording" modes and assistance may be required to obtain such recording;

1. The investigating officer shall obtain two (2) copies of any relevant audio/video recording, and submit one copy to the Fleet Safety Board and the other copy to Risk Management;

3. As soon as practicable, **notify Risk Management**;
4. As soon as practicable, **initiate a teletype message** directed to the Colonel, Lieutenant Colonel, the Majors, the Commander of the Traffic Safety Unit, the Manager of Fleet Maintenance, and the Department of Public Safety Public Information Officer; and
5. **If** the investigating officer determines that an employee operated a vehicle in a manner that may have violated a law or a regulation, or a policy of the Maine State Police, **forward the information supporting that determination** through the Chain-of-Command to the Office of Professional Standards.
  - a. A referral to the Office of Professional Standards must be documented in the report to the Fleet Safety Board.

## 2. NON-REPORTABLE COLLISIONS INVOLVING A MAINE STATE POLICE VEHICLE

- A. The investigating officer and operator shall complete their respective parts of the Fleet Vehicle Collision Report, for any non-reportable collision involving a Maine State Police vehicle.
  1. The report must include, but not be limited to, the conclusions; and any recommendations; of the investigating officer.
- B. No later than five (5) days after the collision, the investigating officer shall submit through the Chain-of-Command the Fleet Vehicle Collision Report, photographs, audio/video recordings, and any other relevant evidence or documentation, to the Traffic Safety Unit, to the attention of the Fleet Safety Board Clerk.

## 3. REPORTABLE COLLISIONS INVOLVING A MAINE STATE POLICE VEHICLE

- A. The investigating officer shall complete a Police Traffic Accident Report via the Maine Crash Reporting System for any reportable collision.
- B. The investigating officer also may use any other necessary collision investigation forms to document pertinent information about the collision.
- C. In addition to submitting reportable collision data to the the Maine Crash Reporting System, no later than five (5) days after the collision, the investigating officer shall submit the following reports through the Chain-of-Command to the Traffic Safety Unit:
  1. A Police Traffic Collision Report and any other associated collision reports;
  2. Photographs, audio/video recordings, and any other relevant evidence or documentation regarding the collision;
  3. The Fleet Vehicle Collision Report, which must include, but not be limited to:
    - a. A detailed description of the collision, including, but not limited to, the events that led up to the collision; and
    - b. The conclusions and opinions of the investigating officer, including, but not limited to, an assessment of what the investigating officer thinks is the primary cause of the collision;
  4. Any other reports or relevant information that may be helpful to or that should be considered by the Fleet Safety Board.

## 4. INTENTIONAL COLLISIONS

- A. If a collision was intentionally caused, the collision report form must be completed and forwarded to the Fleet Safety Board, but is not to be submitted to the the Maine Crash Reporting System database.
  1. If the collision is the result of an officer performing the PIT maneuver during a vehicular pursuit, the report shall be forwarded to the Lead EVOC Instructor for the pursuit review board process.
  2. The investigating officer's report shall clearly note that the collision was intentionally caused and shall describe the circumstances surrounding the collision.

5. COMMANDER OR DIRECTOR REVIEW

- A. The Commander or Director having supervisory responsibility over the employee whose Maine State Police vehicle was involved in a collision shall review all reports and materials related to the incident, and shall complete and sign the cover sheet that accompanies the report materials.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE FLEET SAFETY BOARD (FSB) | **NUMBER:** E-58

**EFFECTIVE DATE:** 12.18.2009 | **RECENT HISTORY:** AMENDS MSP GO E-58 (12.18.2009);  
RESCINDS G.O. 61E (12.18.2007)

**DISTRIBUTION CODE:** 2

### I. PURPOSE

The purpose of this General Order is to update the Maine State Police Fleet Safety Board (FSB) policy.

### II. POLICY

The policy of the Maine State Police is to internally review crashes involving Maine State Police vehicles for the purpose of improving training and equipment, and reducing the number of future crashes involving such vehicles.

**Note:** *The reviews required by this order must include the Commander or Director having supervisory responsibility over the employee whose vehicle was involved in a crash. Such Commanders or Directors shall review investigative reports and materials that are to be submitted to the Fleet Safety Board in order to ensure compliance with this policy and to take a proactive role in future crash prevention.*

**Note:** *Nothing in this policy prevents or delays a Commander or Director from taking appropriate steps to encourage safe driving or to correct or improve driving behaviors.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Crash. "Crash" means an occurrence in which a motor vehicle strikes one or more persons or objects, including, but not limited to, another motor vehicle. Any damage to a vehicle, however caused, is a crash.
  - B. Director. "Director" means a civilian member of a Maine State Police unit who is generally responsible for managing and supervising that unit.
  - C. MSP OD. "MSP OD" is the acronym for "Maine State Police Officer-of-the-Day."
  - D. Maine State Police unit. "Maine State Police unit" means a major organizational component of the Maine State Police such as, for example, the Crime Lab, the State Bureau of Identification, or a Troop.
  - E. Maine State Police vehicle. "Maine State Police vehicle" means a vehicle that is owned or leased by the Maine State Police.
  - F. Non-reportable. "Non-reportable" means that only property damage in an amount less than \$1,000 resulted from a crash.
  - G. Operator. "Operator" means an individual who drives or is in control of a vehicle or who is exercising control over or steering a towed vehicle.
  - H. Reportable. "Reportable" means personal injury, death, or property damage in an

amount greater than or equal to \$1,000 resulted from a crash.

- I. Risk Management. "Risk Management" means the State of Maine Division of Risk Management within the Department of Administrative and Financial Services.

#### **IV. PROCEDURE**

##### **1. FLEET SAFETY BOARD**

###### **A. MEMBERSHIP**

1. The board shall be comprised of the following persons, who shall be appointed by the Colonel:
  - a. The Commander of the Traffic Safety Unit, who shall serve as Chair of the board;
  - b. A Senior Crash Reconstruction Specialist;
  - c. A Lieutenant from the Operations Division;
  - d. Two (2) Field Sergeants who are not Crash Reconstruction Specialists;
  - e. Two (2) Troopers who are not Crash Reconstruction Specialists, and at least one of whom is assigned to the field; and
  - f. The Primary Emergency Vehicle Operations Course (EVOC) Instructor, or designee.
2. The Colonel may remove a board member at any time.
3. The Chair of the FSB shall determine the term and rotation of members, and shall make recommendations to the Colonel regarding FSB membership.
4. The Department of Public Safety Fleet Manager may serve as a non-voting member of the board.

###### **B. MEETINGS AND VOTING**

1. The Chair is responsible for coordinating meetings of the board.
2. Regular board meetings must be held quarterly.
3. Special meetings of the board may be held at any time the Chair determines as necessary and appropriate.
4. Voting only may occur if there is a quorum of members present at a board meeting. A quorum consists of the Chair or a Senior Crash Reconstruction Specialist and any combination of four (4) board members.
5. The Chair must ensure that all board members are given notice of board meetings.
6. A board member whose Maine State Police vehicle was involved in a crash being reviewed by the board may not participate as a member of the board in any discussion or proceeding related to that crash.
7. The Chair only may cast a vote in any matter when there is a tie vote.

###### **C. BOARD CLERK**

1. The Senior Crash Reconstruction Specialist on the board shall serve as the board clerk. The board clerk shall be responsible for keeping all records of the board and for any other tasks as the Chair may assign.

###### **D. BOARD REVIEW OF MAINE STATE POLICE VEHICLE CRASHES**

1. The board shall review all relevant materials regarding a crash involving a Maine State Police vehicle.
2. In any case in which additional information regarding a collision is needed, the Chair may require that the officer who investigated the crash, the employee of the Maine State Police vehicle that was involved in the crash, or any other person with relevant information, to submit additional materials regarding the crash or appear before the board to present information.
3. By a majority vote, the board shall make findings regarding whether a crash was:

- a. Preventable or non-preventable;
- b. Justified or unjustified, in instances in which a crash was caused intentionally by the employee operating a Maine State Police vehicle.

E. MINOR VEHICLE DAMAGE

1. The Chair may present, and the FSB may waive the need to make a finding in, cases of damage to a Maine State Police vehicle that does not exceed \$250 that did not occur during vehicle operation. In such cases the reporting requirements and submission of materials to Risk Management and Maine State Police Command Staff shall be identical to any other incident reviewed by the FSB. The letter of determination is not required in such instances, however, and the portions of this General Order relating to the appeal of FSB findings are not applicable.

F. BOARD FINDINGS AND RECOMMENDATIONS

1. Once the board has made findings in a given matter, the board shall promptly notify the employee operator of those findings and any recommendations that it intends to make to the Lt. Colonel.

G. APPEAL OF BOARD FINDINGS

1. An employee operator may appeal any findings of the board within fourteen (14) days of the date that notification of its having made such findings is sent by the board. The appeal must be sent, in writing, to the Traffic Safety Unit, to the attention of the Fleet Safety Board Clerk.
2. An appeal must be heard at the next meeting of the board.
3. An employee operator shall be notified of that meeting and may appear before the board at that meeting to present any additional relevant information about the subject crash.
4. The board shall consider any and all relevant information that has been presented on appeal to the board, and then make final findings and recommendations in the matter.

H. REVIEWS AND FINAL DETERMINATIONS

1. Sixteen (16) days after the board has made any findings and recommendations in a matter—or, following an appeal, has made final findings and recommendations in a matter—the board shall forward such findings, recommendations, and the record upon which such findings and recommendations are based, to the Lt. Colonel.
2. The Lt. Colonel shall review the findings and recommendations of the board, and then make a final determination in the matter.

I. REMEDIAL TRAINING

1. Any employee who is finally determined to have been involved in two or more preventable crashes within one year will be required, at a minimum, to attend remedial driver training designated by the principle EVOC instructor, with input from the Commander or Director having supervisory responsibility over the employee whose vehicle was involved in the crash.
2. Upon receiving notification that a final determination has been made and that an employee must attend remedial training, the principle EVOC instructor shall send notice to the employee's Maine State Police unit Commander or Director to inform the Commander or Director of the requirement for remedial training and to request input or additional information that may make the remedial training more effective. The Commander or Director of the applicable Maine State Police unit shall provide any such input or information within thirty (30) days of the request for such.
3. Any remedial training in which an employee takes part must be documented at the State Police Training Unit and in the Fleet Safety Board's files.

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## MAINE STATE POLICE GENERAL ORDER

### E-60

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING REMOVAL AND INVENTORYING OF MOTOR VEHICLES

**EFFECTIVE DATE:** 12.18.2019

**RECENT HISTORY:** AMENDED (12.18.2019); AMENDED (01.25.2018); AMENDED (08.21.2015); REVISED (02.27.2014); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY 64 (12.01.1997)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the removal of motor vehicles when appropriate and authorized by law, and the inventorying of such vehicles.

#### II. POLICY

1. The policy of the Maine State Police is:
  - A. To remove motor vehicles when doing so is necessary and authorized by law;
  - B. To authorize unlocked vehicles to be inventoried if time allows and in the discretion of the officer is appropriate under the circumstances to ensure that personal property contained within removed vehicles is accounted for and, when necessary, secured; and
  - C. To ensure that prior to a vehicle being removed the registration or vehicle VIN has been checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Motor vehicle. "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks, but does not include:
    1. A snowmobile as defined in [Title 12, section 13001](#);
    2. An all-terrain vehicle as defined in [Title 12, section 13001](#), unless the all-terrain vehicle is permitted in accordance with [Title 29-A, section 501, subsection 8](#) or is operated on a way and [Title 29-A, section 2080](#) applies; and
    3. A motorized wheelchair or an electric personal assistive mobility device. See [29-A MRSA sec. 101\(42\)](#).
  - B. Private way. "Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved. See 29-A MRSA sec. 101(58).
  - C. Public way. "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass. See 29-A MRSA sec. 101(59).
  - D. Remove. "Remove" means the act of moving a vehicle from a place, including, but not limited to, the act of towing a vehicle.

### IV. PROCEDURE

1. AUTHORITY TO REMOVE MOTOR VEHICLES GENERALLY
  - A. An officer is authorized to cause a motor vehicle to be removed from a location pursuant to [29-A MRSA sec. 2069](#), which provides in relevant part as follows:

**2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime**

**1. Parked in violation.** A law enforcement officer or the Department of Transportation may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of [section 2068, subsection 1](#) to a location where parking is permitted.

**2. Interfering with snow removal, normal traffic movement.** A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a

vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation may take the same action for a vehicle standing on property under its jurisdiction.

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with the arrest of the operator or owner of a vehicle or with the issuance of a summons for a traffic infraction as described in [section 2412-A, subsection 8](#) or used in connection with the commission of a crime.

2. REMOVAL OF AN INOPERABLE OR UNATTENDED MOTOR VEHICLE FROM A PUBLIC WAY

A. OWNER OR OPERATOR OF INOPERABLE OR UNATTENDED VEHICLE IMMEDIATELY AVAILABLE.

1. If the owner or operator of an inoperable or unattended motor vehicle is immediately available and the vehicle is not to be impounded, the officer shall ask the owner or operator if the owner or operator has a preference for a wrecker service.

a. The preferred wrecker service shall be used unless either a wrecker for the wrecker service is unavailable or the time necessary for a wrecker to come to the place where the vehicle is would be unreasonably long.

(1) If the preferred wrecker service cannot be used, then the officer is to explain the reason to the owner or operator of the inoperable or unattended vehicle.

b. Prior to a vehicle being removed the registration or vehicle VIN must be checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.

c. The officer must also ensure that the vehicle information is provided to the Regional Communications Center for inclusion in the complaint.

B. OWNER OR OPERATOR OF INOPERABLE OR UNATTENDED VEHICLE NOT IMMEDIATELY AVAILABLE.

1. If the owner or operator of an inoperable or unattended motor vehicle is not immediately available and the vehicle is not to be impounded, then the officer may have the vehicle towed by any available wrecker service unless a note with a phone number of the owner or operator was left conspicuously on the vehicle and observed by the officer or was called in to the Regional Communications Center. In such instance, the officer shall attempt to contact or have contacted, the owner or operator to inquire a preference for a wrecker service.
2. The preferred wrecker service shall be used unless either a wrecker for the wrecker service is unavailable or the time necessary for a wrecker to come to the place where the vehicle is would be unreasonably long.
  - a. If the preferred wrecker service cannot be used, then the officer is to explain the reason to the owner or operator of the inoperable or unattended vehicle.
  - b. Prior to a vehicle being removed the registration or vehicle VIN must be checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.
  - c. The officer must also ensure that the vehicle information is provided to the Regional Communications Center for inclusion in the complaint.

#### C. EMERGENCY REMOVAL OF A MOTOR VEHICLE

1. If the location of a parked motor vehicle presents a hazard such that removal of the vehicle should or must be done as soon as possible for the safety of the public, then an officer may immediately request a wrecker capable of removing the vehicle from the location, without first having to try to contact the owner or operator of the vehicle whom had left a note conspicuously on the vehicle and observed by the officer or was called in to the Regional Communications Center. However, in such instances, once time permits the officer may attempt to contact or have contacted, the owner or operator to advise them that the vehicle has been removed and by which wrecker service.
  - a. Prior to a vehicle being removed the registration or vehicle VIN must be checked, when possible, to determine if there are any alerts on the vehicle such as, Amber, Silver, BOLO's, ATL, Stolen vehicle, etc.

- b. The officer must also ensure that the vehicle information is provided to the Regional Communications Center for inclusion in the complaint.

D. REMOVAL OF A MOTOR VEHICLE THAT IS TO BE IMPOUNDED

1. An officer may have a wrecker called to remove a motor vehicle that is to be impounded.
  - a. If the officer requesting the services of a wrecker in such circumstances thinks that the vehicle might later be subject to forfeiture proceedings, then the officer shall have the vehicle towed to and stored at a Maine State Police facility.

E. REMOVAL OF A STOLEN MOTOR VEHICLE

1. As soon as possible, an officer who recovers a stolen vehicle that is to be, or has been, removed from a location shall notify the law enforcement agency that originally took the stolen vehicle report of the following information:
  - a. The name, address, and telephone number of the wrecker service that will be removing (or has removed) the stolen vehicle.
2. The law enforcement agency that originally took the stolen vehicle report is responsible for notifying the owner of the recovery of the vehicle.

F. REMOVAL OF A MOTOR VEHICLE LOCATED ON PRIVATE PROPERTY

1. An officer may not cause a motor vehicle that is located private property to be removed from its location unless:
  - a. The motor vehicle was used in connection with the commission of a crime;
  - b. The motor vehicle constitutes or contains evidence;
  - c. The motor vehicle owner or operator has allegedly committed Trespass By A Motor Vehicle (*see [Title 17-A, §404: Trespass by motor vehicle](#)*);
  - d. The motor vehicle was involved in a motor vehicle accident or intentional act that began on a public way or a place where public traffic could reasonably be anticipated; or

- e. The motor vehicle operator is arrested, and the vehicle should not or cannot remain where it is located.
  - 2. An officer **shall not** remove a motor vehicle from private property if the reason for removal is because there is a civil dispute over the vehicle.
- G. REMOVAL OF A MOTOR VEHICLE WHEN ITS OPERATOR HAS BEEN ARRESTED
- 1. An officer shall cause a motor vehicle to be removed from its location if the operator of the vehicle has been arrested.
    - a. If the arrested operator's vehicle is parked in a safe location, the officer may allow the vehicle to remain there, provided that the owner or operator of the vehicle is advised of and consents to such.
    - b. If a third party is available to operate such a vehicle, then the officer may allow the third party to do so, provided the owner or operator consents to such.
- H. EXPENSE OF REMOVAL AND STORAGE OF MOTOR VEHICLES
- 1. *Per 29-A MRSA sec. 2069(4)*, the Maine State Police is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.
- I. NOTIFICATION
- 1. *Per 29-A MRSA sec. 2069(5)*, upon removal of a vehicle in accordance with section 2069, the notification requirements and provisions for payment of towing and storage costs in *29-A MRSA Chapter 15, Subchapter 3, "Abandoned vehicles,"* apply.
- J. RELEASE OF IMPOUNDED MOTOR VEHICLES
- 1. An impounded motor vehicle must be released to the vehicle's owner or the owner's authorized agent as soon as the Maine State Police does not need to retain custody of the vehicle for official business.
- K. INVENTORY OF MOTOR VEHICLES THAT ARE TO BE OR HAVE BEEN CAUSED TO BE REMOVED FROM A LOCATION
- 1. INVENTORYING OF MOTOR VEHICLES GENERALLY

- a. To ensure that personal property items contained in a vehicle that is to be (or has been) caused to be removed by the Maine State Police are accounted for (and, when necessary, secured), each such vehicle may be inventoried if time allows and in the discretion of the officer is appropriate under the circumstances.

## 2. INVENTORY PROCEDURE

- a. If an officer elects to inventory a vehicle he or she shall examine a vehicle and inventory personal property contained therein either prior to the removal of the vehicle from its location or at the storage location to which the vehicle is removed.

- b. The inventory of personal property in a vehicle must either be taken in writing or by audio recording.

- (1) (If inventory is taken by audio recording, then the list of items must later be transcribed.

- c. The scope of the inventory of personal property shall be restricted to those areas of the vehicle where a person would ordinarily be expected to store or inadvertently leave items of such property.

- (1) Such locations include, but are not necessarily limited to only, the floor, glove compartment, door pockets, trunk, dashboard, and on, under, and behind the seats, of the car.

- d. In addition to inventorying items contained in particular areas of a vehicle that is to be or has been caused to be removed, containers (including, as examples, suitcases, pocketbooks, paper bags, boxes, and similar such items) also shall be examined, and the contents thereof shall be inventoried.

- (1) Any such container that is locked shall not be opened during the inventory process unless the container can be opened without causing damage to it.

- (2) If such a container cannot be opened without causing damage to it, then the inventory shall only include a description of the unopened container.

- (3) If an item of personal property is one that would reasonably be expected to have significant cash

value, then the item will be inventoried by the officer and, if necessary, secured by the officer.

- e. If there is probable cause to believe that an inventoried item constitutes contraband or evidence of a crime, then the officer conducting the inventory is to seize and secure the item.
- f. A locked unattended vehicle should not be inventoried.
- g. If an officer discovers any hazardous or potentially dangerous material during the process of inventorying a vehicle, the officer shall take appropriate action, including, but not limited to, informing (as applicable) the wrecker operator and/or the manager of the storage site, of the presence of the material.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING NOTIFICATION OF RETIRED MEMBERS OF THE MAINE STATE POLICE OF THE DEATH OF A FELLOW RETIRED MEMBER | **NUMBER:** E-62

**EFFECTIVE DATE:** 06.08.2015 | **RECENT HISTORY:** AMENDED (06.08.2015); REVISED MSP GO E-62 (06.28.2012); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (06.02.2009); FORMERLY POLICY NO. 45, WHICH RESCINDED POLICY NO. 45 (10.22.1984)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding notification of retired members of the Maine State Police of the death of a fellow retired member.

### II. POLICY

1. The policy of the Maine State Police is to promptly make due and reasonable efforts to notify retired members of the Maine State Police when a fellow retired member of the agency dies.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Maine State Police Public Information Officer (PIO). "Maine State Police Public Information Officer" (PIO) means the individual who is responsible for communicating with the media and the public about activities, events, and cases involving the Maine State Police.

### IV. PROCEDURE

1. NOTIFICATION OF RETIRED MEMBERS OF THE MAINE STATE POLICE OF THE DEATH OF A FELLOW RETIRED MEMBER
  - A. Upon the death of a retired member of the Maine State Police, the PIO shall duly notify by e-mail retired members of the Maine State Police of the death and, when available, shall provide funeral and/or burial service information.
  - B. Each Troop Commander, or designee, shall make due and reasonable efforts to promptly notify those retired members of the Maine State Police (1) who do not have or use e-mail and (2) who live within the jurisdiction of the Commander's Troop, of the death of a retired member. Such notification must be made either via telephone or, when possible, in person.
    1. Attempts to notify each retired member shall be documented using the "[Maine State Police Retired Member Notification Form](#)" attached to this General Order.
  - C. In the event that the notice of the death of a retired member of the Maine State

Police is brought to the attention of any Maine State Police officer in the field, such information shall promptly be forwarded to the PIO.

#### ATTACHMENTS

- [Maine State Police Retired Member Notification Form](#)

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# MAINE STATE POLICE GENERAL ORDER

## E-63

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING DRUG RECOGNITION EXPERTS

**EFFECTIVE DATE:** 10.31.2018

**RECENT HISTORY:** AMENDED (10.31.2018); AMENDED (03.23.2017); AMENDED (05.11.2015); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY 109 (04.01.2000)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding Drug Recognition Experts.

### II. POLICY

1. The policy of the Maine State Police is to utilize Drug Recognition Experts ("DREs") to effectively prosecute persons who operate or attempt to operate motor vehicles while under the influence of, or while impaired by, drugs other than alcohol.
  - A. Officers also are encouraged to utilize DREs where their assistance will facilitate the investigation of other offenses.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

A. DRE. "DRE" is an acronym for Drug Recognition Expert.

#### IV. PROCEDURE

##### 1. DISCUSSION

- A. Drug Recognition Experts are part of the State of Maine Drug Recognition and Classification Program, which is coordinated by the Bureau of Highway Safety, State DRE Coordinator.
- B. DREs may assist investigators with assessments of suspects in criminal investigations, motor vehicle crashes, and other instances when drug use may be an issue.

***NOTE: The Bureau of Highway Safety is not responsible for payment of toxicology analyses for incidents that do not involve motor vehicles.***

##### 2. REQUESTS FOR DREs

- A. The State DRE Coordinator provides a roster of certified DREs to law enforcement agencies and Intoxilyzer sites.
  1. The Regional Communications Centers ("RCCs") also maintain this information for use in calling out DREs.
- B. Requests for drug evaluations should be assigned to the closest on-duty DRE.
  1. When no on-duty DRE is available, a request for an off-duty DRE may be made through that officer's Commanding Officer or the Troop Officer of the Day.
  2. If no Maine State Police DREs are readily available, a request for the assistance of a non-Maine State Police law enforcement agency's DRE should be made in accordance with that agency's standard procedures.
    - a. As drugs are continually metabolizing in the system (some more drugs more rapidly than others), it is imperative that an evaluation commence as soon as practicable.
- C. Prior to contacting a DRE, a blood alcohol level **must** be obtained with an Intoxilyzer.

D. A DRE should be contacted when a person is suspected of operating a motor vehicle while under the influence of a substance and their impairment is **not** consistent with the blood alcohol level obtained.

a. If the person's breath alcohol concentration ("BRAC") is above 0.08, the assistance of a DRE may not be necessary.

### 3. SELECTION AND RETENTION

A. The Field Troop Commanders shall select the appropriate members of their respective troops to receive training for certification as DREs.

B. Once certified as a DRE, an officer must perform drug evaluations as assigned until relieved of that responsibility by the officer's Commanding Officer, or until his or her certification as a DRE expires.

#### **NOTICE**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

[Home](#) |Search Orders: **SUBJECT:** HAZARDOUS MATERIALS RESPONSE | **NUMBER:** E-69**EFFECTIVE DATE:** 07.26.1993 | **RECENT HISTORY:** CONVERTED TO WEB FORMAT ON 06.03.2009; FORMERLY G.O. 66F**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of this general order is to establish measures to ensure prompt control and removal of hazardous materials, to establish guidance for handling fire hazards and hazardous materials at accident scenes and to establish guidelines regarding training.

### II. POLICY

1. The safety of our officers and the general public is of paramount importance.
2. The Bureau will maintain liaison with appropriate local, state, and federal agencies to develop a comprehensive, coordinated "Hazardous Materials Emergency Response Plan."
3. The Bureau will continue to be cognizant of the responsibilities, practices and procedures of other agencies that respond to and/or provide technical assistance relating to fire hazards and hazardous material incidents. Officers will be kept informed of these responsibilities, practices and procedures to insure the best possible coordination and delivery of services at incident scenes involving such hazards.
4. The Bureau shall issue the most current copy of the current issue of the U.S. Department of Transportation's Emergency Response Guidebook for hazardous material incidents to each officer. Each officer will be familiar with the Guidebook before actually needing to use it and will refer to and follow the Guidebook's recommendations for taking emergency and other actions appropriate to specific hazardous material incidents.

### III. DEFINITIONS

1. **Decontamination:** The physical and/or chemical process of reducing and preventing the spread of contamination from persons and equipment used at a hazardous material incident.
2. **Hazardous Material:** Any element, compound, or combination thereof, which is flammable, corrosive, capable of being detonated, toxic, radioactive, an oxidizer, an etiological (contagious or infectious) agent, or is highly reactive and which, because of handling, storing, processing, and packaging may have a detrimental effect upon emergency response people, the public, equipment, and/or the environment.
3. **Hazardous Material Incident:** Any occurrence involving the exposure or potential exposure to a hazardous material.
4. **Incident Commander:** The qualified on-scene individual in command of the management of a hazardous material incident. This individual will have met the training requirements established in 29 CFR Part 1910.120 or associated standards.

5. Incident Command System (ICS): A structured management system designated to properly control field deployed emergency response personnel and resources.
6. Personal Protective Equipment (PPE): Specialized clothing or equipment worn by the officer for protection against a hazard.

#### **IV. PROCEDURE**

##### **1. DISCUSSION**

- A. An important responsibility of an officer responding to any incident scene is to keep the situation from becoming worse. The responsibility may take on added importance and complexity when an actual or potential fire hazard or hazardous material is present at the scene.
- B. Numerous hazardous materials are transported throughout the state every day. While many of these are in common use, accidents or spills present a serious threat to the health and safety of the general public, especially the responding officer. Priorities for action are likely to be affected by the extent and nature of hazards present. It is of extreme importance for all officers to be aware of what actions should be taken during hazardous material emergencies.
- C. Many accidents and other emergencies involve more than one agency and require a cooperative emergency response. Under such circumstances, officers may be called upon to perform certain special activities, and to coordinate activities with those personnel.
- D. The U.S. Congress passed the Superfund Amendments and Reauthorization Act (SARA) and directed Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) to establish standards for emergency responders and operations to hazardous materials incidents.

##### **2. BUREAU RESPONSIBILITIES**

- A. Bureau responsibilities include, but are not limited to:
  1. Life safety of emergency responders and the public;
  2. Scene isolation and security;
  3. Traffic control;
  4. Participate in the Incident Command System and related training;
  5. Assist with evacuation;
  6. Investigate or assist in the investigation of the Hazardous Material Incident; and
  7. Support and assist municipal police, fire, emergency medical agencies and public works.
- B. It is NOT the responsibility or function of the Bureau to handle, transport or oversee the clean-up of a hazardous material incident. The officer should not contact any hazardous material other than specified in this general order.

##### **3. TRAINING REQUIREMENTS**

- A. All officers shall receive hazardous material response training. This training will be consistent with 29 CFR Part 1910.120, as required by current Environmental Protection Agency (EPA) operations level competency training requirements for law enforcement.
- B. All officers shall receive refresher training or sufficient content and duration to maintain competencies consistent with 29 CFR Part 1910.120.

##### **4. PROCEDURES**

- A. Incident Notification – Regional Communications Center (RCC)
  1. In addition to the standard operating procedures of obtaining all pertinent information related to the hazardous materials incident, the RCC will notify the Maine Department of Environmental Protection and the Maine Emergency Management Agency.

**B. Responding Officers**

1. Response to hazardous material incidents may be more life threatening than initially reported. The officer should determine and select a safe approach based on the nature of the incident, information provided by the RCC and observations made while approaching the scene. NOTE: A hazard may not be visible.
2. Each responding officer shall:
  - a. Avoid driving through any vapor cloud or liquid spill.
  - b. Attempt to remain up-wind from the scene.
  - c. Remain in the vehicle to make an initial survey of the scene.
  - d. Notify the RCC of any additional information or assessment of the scene.
  - e. Avoid contact with any victims until chemical containment can be determined.
  - f. Depending on the incident, call for additional personnel and/or equipment, even if there is only a remote chance that it is needed. It is better to return unused resources than to not have them when needed.
3. A first responder at the scene of a hazardous material incident should seek additional and more specific information about any material in question as soon as possible. The Emergency Response Guidebook is intended to assist the first responder in the initial assessment and help prevent the responder from becoming a part of the problem.

**C. Handling Potential Fire Hazards**

1. If fire is a potential, the officer will immediately request the fire department and then take appropriate defensive action to stabilize the conditions by providing adequate protection to the scene, isolating the immediate area, and removing persons from the vicinity of the hazard, if possible.
2. The officer shall, to the extent possible, eliminate possible sources of ignition by avoiding the use of flares, cigarette smoking, or motor vehicle sources.
3. Depending on the extent of the fire, the officer will evacuate the surrounding area and maintain security of the area until the fire is suppressed.
4. The officer should carefully control the movement of vehicles within the vicinity of the fire or potential fire hazard, detouring traffic if necessary.

**D. Handling Hazardous Materials**

1. Upon arrival at the scene of a traffic accident involving a cargo vehicle and from a safe distance, the officer shall attempt to make a preliminary identification of the cargo on the basis of visible placards, shipping papers, bills of lading, etc.
2. When there is any question whether spilled material at an accident scene may be hazardous, the officer shall avoid contacting the material and keep other persons from contacting the material.
3. The officer will follow the procedures specified in the Emergency Response Guidebook to complete the identification of hazardous materials, take appropriate emergency action, and notify other agencies.

**E. Rescue of Injured Persons**

1. Safety of the first responders must take priority over the extrication of the injured. Rescue of an injured person should only be undertaken when safe to do so. Proper personal protective equipment (PPE) and a minimum number of personnel should be used to effect a safe extrication.

**F. Incident Command System (ICS)**

1. The Incident Command System will be initiated by the on-scene Incident Commander.

2. All law enforcement activities will come under the command and control of the delegated Officer-in-Charge. Whenever the officer is not a member of this Bureau, a sworn member will serve as Bureau liaison to the On-Scene-Commander.

G. Incident Commander

1. The incident commander will most likely not be a law enforcement officer. Due to training requirements of 29 CFR Part 1910.120, this individual's expertise would more than likely be in the fire service or related field.
2. This will require responding officers to expect initial on-scene instructions to possibly come from a non-member of this Bureau, as it relates to initiating the Incident Command System.

H. Clean-up/Decontamination

1. Each officer is responsible for personal and equipment decontamination/cleanliness prior to leaving the scene. If this cannot be accomplished prior to leaving the scene, then arrangements will be made to accomplish this at another appropriate site.

I. Medical Evaluation

1. Any Bureau member exposed to any vapor or other hazardous material shall obtain a medical evaluation.
2. All medical records related to this incident will be maintained as part of the officer's permanent personnel file.

J. Post-Incident Debriefing

1. Each involved officer will attend and participate in any Post-Incident Debriefing session associated with this incident, unless previously excused by the officer's commanding officer or incident commander.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING PUBLIC REQUESTS FOR FINGERPRINTING OR PALM PRINTING | **NUMBER:** E-70

**EFFECTIVE DATE:** 03.03.2014 | **RECENT HISTORY:** REVISED (03.03.2014); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.09.2009); FORMERLY G.O. 82B (EFFECTIVE 01.17.1995)

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to describe the process that is to be followed by Maine State Police employees when:
  - A. Applicable Maine law requires fingerprints and/or palm prints to be taken by the Maine State Police;
  - B. A person makes a request for his or her fingerprints and/or palm prints to be taken by the Maine State Police for non-criminal justice purposes; and
  - C. A parent or legal guardian of a child makes a request for his or her child's fingerprints and/or palm prints to be taken by the Maine State Police for non-criminal justice purposes.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To take the fingerprints and/or palm prints of persons, or cause such prints to be taken, when applicable law requires such;
  - B. At the discretion of the agency, to take the fingerprints and/or palm prints of persons who make requests for either or both such types of prints to be taken for non-criminal justice purposes; and
  - C. At the discretion of the agency, to take the fingerprints and/or palm prints of children whose parents or legal guardians make requests for either or both such types of prints to be taken for non-criminal justice purposes.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

### IV. PROCEDURE

1. STATUTORY REQUIREMENTS TO TAKE FINGERPRINTS AND/OR PALM PRINTS
  - A. The Maine State Police shall take fingerprints and/or palm prints, or cause such prints to be taken, when applicable law requires such. Such prints shall be taken in

accordance with the provisions set forth in each such law.

## 2. PERSONAL REQUESTS

A. When a person makes a request for his or her fingerprints, palm prints, or both to be taken, the Maine State Police employee to whom the request is made:

1. May schedule an appointment to take such prints if the employee is a sworn officer; or
2. May refer the person to a Troop barracks or the State Bureau of Identification (SBI), and inform the person to contact the Troop barracks or SBI to make an appointment for the fingerprints, palm prints, or both, to be taken.

**A sworn officer, a Troop, or SBI may accommodate such a request, but is not required to do so.**

B. When such a request is accommodated:

1. Fingerprints and palm prints must be taken on a form provided by the requesting person or, if the person does not provide a form, upon the Non-criminal Fingerprint Record.
2. Any fingerprints, palm prints, and demographic information taken or collected by a Troop or SBI when taking such prints at the request of a person shall **not** be retained, and, in a case in which a Troop takes such prints, shall **not** be forwarded to SBI, **UNLESS**:
  - a. Doing so is otherwise required by statute; or
  - b. The person providing such prints and demographic information requests that the fingerprints, palm prints, and/or demographic information be forwarded to SBI for the purpose of obtaining a criminal history record check.
3. Notwithstanding [25 MRSA sec. 1549](#), the person shall not be charged a fee for his or her fingerprints, palm prints, or both, to be taken.

## 3. PARENT OR LEGAL GUARDIAN REQUESTS

A. If a parent or legal guardian of a child makes a request for his or her child's fingerprints and/or palm prints to be taken, the Maine State Police employee to whom the request is made:

1. May schedule an appointment to take such prints if the employee is a sworn officer; or
2. May refer the requestor to a Troop barracks or SBI, and inform the requestor to contact the Troop barracks or SBI to make an appointment for the child's fingerprints, palm prints, or both, to be taken.

**A sworn officer, a Troop, or SBI may accommodate such a request, but is not required to do so.**

B. When such a request is accommodated:

1. Fingerprints and palm prints must be taken on a form provided by the requesting parent or legal guardian, or, if the parent or legal guardian does not provide a form, upon the Non-criminal Fingerprint Record.
2. Any fingerprints, palm prints, and demographic information taken or collected by a Troop or SBI when taking such prints of a child at the request of the child's parent or legal guardian shall **not** be retained, and, in a case in which a Troop takes such prints, shall **not** be forwarded to SBI, **UNLESS**:
  - a. Doing so is required by statute; or
  - b. The parent or legal guardian of the child providing such prints and demographic information requests that the fingerprints, palm prints, and/or demographic information be forwarded to SBI for the purpose of obtaining a criminal history record check.
3. Notwithstanding [25 MRSA sec. 1549](#), the child's parent or legal guardian shall not be charged a fee for his or her child's fingerprints, palm prints, or both, to

be taken.

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## MAINE STATE POLICE GENERAL ORDER

### E-74

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING CRUISER AUDIO/VIDEO RECORDING EQUIPMENT AND RECORDINGS

**NUMBER:** E-74

**EFFECTIVE DATE:** 08.17.2018

**RECENT HISTORY:** AMENDED (08.17.2018); AMENDED (12.21.2017); REVISED (12.11.2015); AMENDED (SUBSTANTIVE AND TECHNICAL AMENDMENTS)(01.21.2014); REVISED (09.27.2011); CONVERTED TO WEB FORMAT ON 01.08.2009; FORMERLY GO 83E (EFFECTIVE 07.01.1994)

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding cruiser audio/video recording equipment and recordings.

#### II. POLICY

1. The policy of the Maine State Police is to equip the cruiser of sworn officers whose duties include the routine patrol of Maine highways and roads, with audio/video recording equipment, which is to be used to create

audio and/or video recordings for evidentiary purposes and as a source of information to inform civil, criminal, or administrative proceedings.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Cruiser. "Cruiser" means a Maine State Police vehicle used by sworn officers to routinely patrol the highways and roads of Maine.
  - B. Digital recording media. "Digital recording media" means a recording media used with digital recording equipment -- typically, a DVD or USB Flash Drive.
  - C. Prosecuting authority. "Prosecuting authority" means a Maine District Attorney's Office, the Maine Office of the Attorney General, or the United States Attorney's Office.
  - D. Recording. "Recording" means a digital audio and/or video record of sounds and/or images.
  - E. Recording media. "Recording media" means the medium (typically a DVD or USB Flash Drive) on which a recording is stored.
  - F. Recording equipment. "Recording equipment" means equipment that may be used to create a digital audio and/or video recording.
  - G. System. "System" means cruiser audio/video system.
  - H. Event trigger. "Event trigger" means any input that causes the recording equipment to activate a recording.
    1. The system has several triggers that include, as examples only, the activation of cruiser emergency lights, the depression of the "record" button on the remote microphone pack, and the activation of crash sensors that are built into the system.

### IV. PROCEDURE

1. GENERAL
  - A. This policy is not intended to describe every possible situation in which the cruiser audio/video system may be used; however, as provided in paragraph B below, **there are many situations in which the system must be used.**
    1. In addition to the situations in which the system must be used as described in this policy, officers may activate the system any time they believe use of the system would be appropriate or valuable to document an incident.

- a. In some circumstances, capturing images of an incident is not possible due to environmental conditions or the location of the camera; however, the audio portion of a recording can be valuable evidence and is subject to the same activation requirements as the cruiser audio/video system.
- B. The cruiser audio/video system **must be activated** in the following situations:
1. All field contacts involving actual or potential criminal conduct within video or audio range, including, but not limited to, the following:
    - a. Vehicular pursuits;
    - b. Suspicious vehicles;
    - c. Arrests;
    - d. Transportation of arrestees or detainees (*see also* MSP GO E-112 (regarding transport of arrestees and detainees));
    - e. Pedestrian checks;
    - f. OUI investigations;
    - g. Consensual encounters;
    - h. Responding to an in-progress emergency call;
    - i. Responding to a call where emergency privilege is invoked with the use of emergency equipment;
    - j. Traffic enforcement.
  2. All calls for service involving a crime where the recording may aid in the apprehension and/or prosecution of a suspect, such as, as examples only:
    - a. Domestic violence calls;
    - b. Disturbance of the peace calls;
    - c. Offenses involving violence or a weapon;
    - d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
    - e. Any other circumstance in which an officer believes that a recording of an incident would be appropriate.
- C. Audio and video recording may cease if an officer is:
1. Simply waiting for a tow truck or a family member to arrive at an incident scene or in other similar uneventful situations;

2. Engaged in conduct that is not related to the incident, including, but not limited to, engaging in a phone call with dispatch, engaging in a phone call or in-person conversation with another Trooper or Supervisor, or engaging in a personal phone call;
      3. After the situation has terminated;
      4. During the after-action review process.
  - D. An officer who is on duty and is operating a cruiser that is equipped with a video recording system shall wear the audio microphone pack on his or her person.
    1. The audio microphone pack must remain 'on' during times when the system is required to be activated **except** when, at the discretion of the officer or officer's supervisor, the content of a conversation between the officers or the officers' conversation with others should be protected from being recorded.
      - a. Such types of conversations include, but are not limited to:
        - (1) Discussion of investigative strategies and tactics;
        - (2) Conferring on cases;
        - (3) Discussion of information regarding or furnished by confidential informants;
        - (4) Discussion of victim safety planning;
        - (5) Conferring when making arrest decisions.
    2. Officers should not turn 'off' the audio microphone pack while they are in contact with a member of the public **unless** the member of the public is a crime victim whose interview would not normally be recorded.
2. INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF RECORDING EQUIPMENT
  - A. INSTALLATION
    1. Recording equipment must be installed in the cruiser of sworn officers whose duties include the routine patrol of Maine highways and roads.
  - B. INSPECTION

1. An officer whose cruiser is equipped with recording equipment shall inspect the equipment at the beginning of each shift and report any malfunctions or problems with the equipment to his or her supervisor and Radio OIT immediately.
  - a. An officer shall view the most recent recording to verify that the internal and external audio is being captured on the recording.

C. MAINTENANCE

1. An officer whose cruiser is equipped with recording equipment shall routinely maintain the equipment to ensure it is in working order.
2. The audio microphone pack must be charged as necessary to maintain functionality throughout the shift.

D. REPAIR

1. An officer who determines that his or her recording equipment needs servicing or repair shall arrange to have the equipment serviced / repaired by Radio OIT **AS SOON AS POSSIBLE**.

3. GENERAL OPERATION

- A. Recording equipment must be used in accordance with the following standards, and digital recording equipment specifically also must be used in accordance with subsection 2 of this section.

1. INQUIRIES REGARDING THE USE OF RECORDING EQUIPMENT

- a. An officer using recording equipment shall inform a person who asks if such equipment is being used, that such equipment is in use.

2. DIGITAL RECORDING EQUIPMENT & RECORDING MEDIA

- a. An officer whose cruiser is equipped with digital recording equipment shall be properly trained in the use of such equipment prior to using it.

- b. An officer shall not alter agency-established configuration settings of his or her cruiser's digital equipment.
  - (1) Knowingly altering such default settings is grounds for disciplinary action, up to and including termination.
- c. An officer shall report deficiencies of any aspect of his or her cruiser's digital recording equipment directly to the supervisor who is supervising the officer at the time the deficiency is detected.
  - (1) If a determination is made that the device needs servicing or repair, then the officer shall arrange to have the equipment serviced / repaired by Radio OIT as soon as possible.
- d. A cruiser's digital recording equipment must be installed so that it begins recording video when the cruiser's emergency lights are activated.
- e. A cruiser's digital recording equipment must begin capturing video as soon as the boot-up process is complete.
  - (1) The recording equipment must be set to continue capturing video throughout the officer's shift when the vehicle is on.
- f. A cruiser's digital recording equipment must be set to capture and save one minute of pre-event video.
  - (1) Digital recording equipment only captures video images while the ignition is on or the camera is still receiving power during the shutdown-timer cycle.
    - (A) Once an event trigger is activated, one minute of pre-event video is automatically saved on the equipment's hard drive; however, pre-event audio is not captured or saved.
- g. Recorded digital video images may be recovered from a cruiser's digital recording equipment even when the

images were not intentionally saved, but the ability to do so is not guaranteed.

- (1) This feature is often referred to as "record after the fact," or "RATF."
  - (2) For example, if an officer is involved in a crash and did not activate his or her cruiser's digital recording equipment to record, video still might be captured depending on the amount of available un-used space on the system hard drive; however, audio would not be captured.
- h. Both the DVD-based ("DV-1") and USB-based ("4RE") recording systems allow events to be "tagged" with a pre-defined category at the completion of a recorded events.
- (1) For DVD-based ("DV1") systems, users shall tag events with the category that most closely matches the type of event.
    - (A) Such tags allow an event to be located more easily on a DVD.
  - (2) For USB-based ("4RE") systems, users shall tag all events with the tag category that most closely matches the type of event.
    - (A) Tagging events in this manner is very important, as the tagging defines the resolution in which the recording will be saved based on the Maine State Police-established configuration settings, and also populates a central database that allows the recordings to be categorized and searched.
    - (B) When tagging an event, a user has the option to upgrade the resolution that the event will be saved in; that option may be utilized at users' discretion.

#### 4. IDENTIFICATION OF RECORDING DEVICES

- A. Except as otherwise provided in subsection B of this section, an officer shall ensure identification of recording media as follows:
1. An officer shall place, or cause to have placed, an adhesive label on recording media containing one or more recordings that lists the following information:
    - a. The name, rank, and officer code of the officer whose recording equipment created the recordings;
    - b. The Troop or Unit to which the officer is assigned;
    - c. The case number of the incidents, accidents, crashes, or other official matters to which the recordings relate;
    - d. Any other information that may be relevant to identifying a recording or recordings on the media.

B. IDENTIFICATION OF DIGITAL RECORDING MEDIA

1. FOR DVD-BASED (“DV1”) SYSTEMS: Before inserting the media into a cruiser's digital recording equipment, an officer shall write the following information with a permanent marker on a new DVD:
    - a. The officer's name;
    - b. The officer's Troop; and
    - c. The recording start date.
  2. FOR USB-BASED (“4RE”) SYSTEMS: An officer shall ensure that the USB thumb drive that was issued with the system is properly marked with the following information:
    - a. The officer's name; and
    - b. The officer's Troop.
5. RETENTION OF RECORDING MEDIA - DVD SYSTEMS (“DV1” OR EQUIVALENT)
- A. With respect to digital recording media specifically:
1. A digital recording media must be finalized when the system indicates that the media's memory is full.
    - a. At such time, the officer shall remove the digital recording media from the cruiser's digital recording equipment and write with a permanent marker the recording end date on the media.

- B. An officer shall log, or cause to be logged, each recording media at the Troop or Unit within five (5) days after the media has been finalized (in the case of a digital recording media) or reached its recording capacity.
  - C. Recording media must be stored at a single location at a Troop or Unit.
    - 1. This location must be designated by the Troop or Unit Commander.
  - D. A single log that accounts for each recording media must be maintained by each Troop and Unit, and the log must be continually updated and kept in a manner that allows for recording media to be searched for and located based on officer name and incident date information.
  - E. Digital recording media are **not** to be re-used.
  - F. Only Commanding Officers, Supervisors, or the Troop or Unit Administrative Assistant may remove a recording media from storage once it has been logged at a Troop or Unit.
    - 1. Appropriate documentation of such removal must be made in the Troop or Unit's log.
  - G. Troops and Units shall retain recording media containing recordings in accordance with the record retention schedule applicable to such media, after which time the media must be appropriately disposed of.
6. RETENTION OF RECORDING MEDIA - USB SYSTEMS (“4RE” OR EQUIVALENT)
- A. When the displays visual indicator indicates that more than eighty percent (80%) of the USB memory has been utilized:
    - 1. As soon as practical, but after no longer than two (2) days, the officer shall remove the USB thumb drive from the cruiser's digital recording equipment and cause it to be downloaded onto the officers assigned storage server.
  - B. Recorded events must be stored on a storage server at a Troop or Unit.
    - 1. This location must be designated by the Troop or Unit Commander.

- C. A storage library must be maintained by each Troop and Unit, and the library must be continually updated and kept in a manner that allows for recording media to be searched for and located based on officer name, event type, and incident date information.
- D. Only Commanding Officers, Supervisors, and the Troop or Unit Administrative Assistant may access the complete library.
  - 1. Officers may only access their own recordings for the purpose of reviewing an event or making a recording.
- E. Troops and units shall retain recording media containing recordings in accordance with the record retention schedule applicable to such media, after which time the media must be appropriately disposed of.

## 7. DISSEMINATION OF COPIES OF RECORDINGS

- A. Recordings are to be disseminated in accordance with Maine State Police General Order [MSP GO M-8, MAINE STATE POLICE POLICY REGARDING PUBLIC ACCESS TO MAINE STATE POLICE RECORDS](#), and sections 8 and 9 of this policy.

## 8. CUSTODY & CONTROL OF RECORDING MEDIA CONTAINING EVIDENCE TO BE USED IN CRIMINAL PROCEEDINGS

### A. Discovery

- 1. An officer shall make the prosecuting authority prosecuting a case in which one or more audio or video recordings were made, aware of the existence of such recordings.
  - a. If the prosecuting authority asks to view a recording, the officer shall make a copy of the recording available.
  - b. One (1) copy of each such recordings shall be provided by the officer to a prosecuting authority with all other materials that are provided to the prosecuting authority through automatic discovery.
    - (1) The copies must be provided on a digital recording media, except as provided in subparagraph c, below.
  - c. If there is a memorandum of understanding (“MOU”) or other such agreement between a Troop or Unit and

a prosecuting authority that permits recordings to be uploaded by officers of the Troop or Unit to a secure cloud-server to which the prosecuting authority also has access, then the recordings may be provided to that prosecuting authority in such manner, in accordance with the provisions of the MOU or agreement that is in place.

2. If an audio or video recording (or portion of a recording) is needed for a judicial proceeding, and the prosecuting authority wants to retain custody of the recording (or if the presiding Court is to retain custody of the recording after the recording has been entered into evidence), then the officer shall inquire with the prosecuting authority about whether the officer may provide a copy of the recording rather than the original version of the recording.

a. If so, the officer shall arrange to provide a copy of the recording to the prosecuting authority.

(1) An officer shall provide an original version of an audio or video recording to a prosecuting authority only after receiving a **written** request from the prosecuting authority to do so.

(A) The provision by an officer of an original version of an audio or video recording to a prosecuting authority must be documented in the case file by the officer who provided the original version of the requested recording to the prosecuting authority.

i. The return by a prosecuting authority of an original version of a recording to the Maine State Police must be documented in the file relating to the subject case.

9. CUSTODY & CONTROL OF RECORDING MEDIA CONTAINING RECORDINGS RELATING TO INCIDENTS OF SPECIAL SIGNIFICANCE

A. Death Investigations Conducted by the Attorney General's Office

1. The existence of a recording media containing a recording of an incident involving the death of a person caused by a member of the Maine State Police must be made known to the Department of the Attorney General as soon as the existence of the recording is known.
  - a. The original recording media must be retained by the Office of Professional Standards Commander.
    - (1) The Commander shall cause a duplicate of the recording on the media to be made for the Attorney General investigator, if the investigator requests one.
    - (2) If recordings relating to other cases or incidents are contained on the recording media, the Commander shall cause duplicate copies of those recordings to be made and returned to the officer.
      - (A) A notation that the recording is a duplicate must be placed on the identifying label affixed to the recording media.

B. Office of Professional Standards Investigations

1. The Commander of the Office of Professional Standards may take into his or her custody the original recording media of any incident that results in or relates to an Office of Professional Standards investigation.
  - a. If recordings relating to other cases or incidents are contained on the recording media, the Commander shall cause duplicate copies of those recordings to be made and returned to the officer.
    - (1) A notation that the recording is a duplicate must be placed on the identifying label affixed to the recording media.

C. Fatal Crashes

1. In the event a recording is made of a scene where a crash has occurred that resulted in the death of one or more individuals, a copy of the recording must be forwarded to the

Senior Accident Reconstructionist of the Maine State Police Traffic Unit.

2. Notwithstanding any other provisions of this policy, the Senior Accident Reconstructionist shall ensure that recording media containing such recordings are labeled and stored for a minimum of seven (7) years.
  - a. At the end of that seven-year period the recording media may be disposed of in accordance with the record retention schedule applicable to such media.

**NOTICE**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING LATERAL TRANSFER REQUESTS |  
**NUMBER:** E-76

**EFFECTIVE DATE:** 03.03.2014 | **RECENT HISTORY:** REVISED (03.03.2014); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.09.2009); FORMERLY POLICY NO. 81 (03.09.1987)

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the process by which intra-Unit and Intra-Troop and inter-Unit and inter-Troop lateral transfer requests are to be made and acted upon.

### II. POLICY

1. The policy of the Maine State Police is to consider and act upon lateral transfer requests in a fair and timely manner.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Lateral transfer request. "Lateral transfer request" means a intra-Unit, Intra-Troop, Inter-Unit, or Inter-Troop transfer request.

### IV. PROCEDURE

#### 1. SUBMISSION OF LATERAL TRANSFER REQUESTS

- A. An officer wanting to make a lateral transfer shall submit a memorandum requesting such through the Chain-of-Command to the Lt. Colonel, or his or her designee.
  1. The Lt. Colonel, or designee, shall compile and maintain a master transfer request list.
  2. The master transfer request list will account for each transfer request that is made during a given calendar year.
- B. Unless retracted by a requesting officer, an officer's lateral transfer request shall remain on the master transfer request list until the last day of January of the year following the year during which the request was submitted.
  1. Requesting officers who want their transfer requests to remain on the master transfer request list after that date must submit a memorandum requesting that the original transfer request remain on the list.
  2. Failure of an officer to **annually** request that his or her original transfer request remain on the master transfer request list for an additional year will result in the transfer request being removed from the master transfer request

list.

2. OPENINGS OF POSITIONS THAT ARE THE SUBJECT OF PENDING TRANSFER REQUESTS

- A. When an opening of a position that is the subject of a pending transfer request (or requests) occurs, the Lt. Colonel shall review the master transfer request list and identify each officer who has submitted transfer request relative to the open position.
- B. The Lt. Colonel may select one of the officers who has requested a lateral transfer to the open position to be transferred to the position.
  - 1. Otherwise, the Lt. Colonel shall cause notification of the open position to be made to all sworn officers, who will have an opportunity to make a lateral transfer request to the position.
    - a. The Lt. Colonel shall review any transfer requests that are made in response to the notification, and may select one of the officers who has made a request to be transferred to the open position.
- C. In making a selection decision, the Lt. Colonel may interview officers requesting a lateral transfer to an open position, consult with and ascertain the recommendation of the Commanding Officer(s) of the requesting officers, and consider any other information the Lt. Colonel deems relevant to adequately inform his or her selection decision.

3. NOTIFICATION OF SELECTION

- A. Once the Lt. Colonel has selected an officer to fill the open position, the Lt. Colonel shall notify the selected officer and that officer's Commanding Officer of the selection and of the effective date of the transfer.
- B. An inter-Unit or inter-Troop transfer shall not occur until the Commanding Officer of the Unit or Troop losing a transferring officer has been notified by the Lt. Colonel of the approval of the transferring officer's transfer request.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING VEHICLE USE | **NUMBER:** E-80  
**EFFECTIVE DATE:** 06.25.2018 | **RECENT HISTORY:** AMENDED (06.25.2018); AMENDED (01.11.2016); REVISES MSP GO E-80 (FORMERLY G.O. 102), RESCINDS MSP GO E-81 (07.14.2010)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the use by Maine State Police officers of agency-assigned vehicles.

### II. POLICY

1. The policy of the Maine State Police is to assign a vehicle to each sworn officer of the agency, who may use the vehicle in accordance with the provisions of this policy and any applicable employment contracts.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Colonel of the Maine State Police, or his or her designee.
  - B. Release/waiver form. "Release/waiver form" means a ["Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement" form](#).

### IV. PROCEDURE

1. USE OF SEAT BELTS DURING THE OPERATION OF MAINE STATE POLICE VEHICLES
  - A. Each operator and passenger of a Maine State Police vehicle shall wear a seat belt at all times when the vehicle is in use, unless:
    1. A person, e.g., a mechanic, who operates a vehicle only within a State of Maine parking lot or garage may do so without wearing a seat belt, so long as the vehicle does not enter any part of a public way;
    2. A person who possesses a medical certificate from a physician stating that the wearing of a seat belt would seriously aggravate or complicate an existing medical condition.
2. OPERATION OF MAINE STATE POLICE VEHICLES
  - A. Maine State Police vehicles may only be operated by Department of Public Safety employees, except:
    1. A marked vehicle shall only be operated by a sworn officer of the agency. However:

- a. Maine State Police mechanics and maintenance personnel may operate marked vehicles for the sole purpose of moving the vehicle in order to repair it or in the course of repairing it.
- b. Municipal and county law enforcement officers and recruits may operate marked and unmarked Maine State Police vehicles for training purposes while attending the Maine Criminal Justice Academy.
- c. To a reasonable and appropriate extent, municipal and county law enforcement officers may operate marked and unmarked Maine State Police vehicles at the request of a Maine State Police officer, for purposes that further and are in accordance with the mission of the Maine State Police.

### 3. PASSENGERS IN MAINE STATE POLICE VEHICLES

#### A. An officer may transport the following as passengers in his or her assigned vehicle:

1. Another sworn law enforcement officer;
2. A Maine Department of Public Safety employee;
3. A member of the officer's immediate family; however, if the officer plans to leave the officer's assigned patrol area in the course of transporting the officer's family member, permission to do so must first be given by the officer's immediate supervisor;
4. Victims, complainants, witnesses, and prisoners in cases in which the Maine State Police is the primary responding or investigating agency, or such individuals in cases in which another law enforcement agency is the primary responding or investigating agency, if that other agency requests such transportation and a Maine State Police officer is available to do so;
  - a. Prior to doing so, however, the officer must contact his or her immediate supervisor or the RCC of jurisdiction to provide notification that such transportation is being provided by the officer;
5. An individual on a public way whose safety may be or is in danger, such as, e.g., a hitchhiker or an operator or passenger of a disabled vehicle;
  - a. Prior to doing so, however, the officer must contact his or her immediate supervisor or the RCC of jurisdiction to provide notification that such transportation is being provided by the officer;
6. A individual such as a dignitary, if first instructed or authorized to do so by the officer's Commanding Officer or immediate supervisor;
7. A person who attends a function, such as lunch or a meeting, with the officer.

### 4. PERSONS ACCOMPANYING OFFICERS ON ROUTINE PATROL (INCLUDING CIVILIAN "RIDE-ALONG" PASSENGERS)

#### A. An officer may be accompanied by the following passengers while on routine patrol in his or her assigned vehicle:

1. Another Maine State Police officer;
2. A Maine State Police officer applicant, if authorization is first given by the Commanding Officer of the Troop or unit to which the officer is assigned and the applicant signs a [release/waiver form](#);
3. A Maine State Police recruit, if authorization is first given by the Maine Criminal Justice Academy;
4. Any other person accompanying the officer as a civilian "ride-along" passenger, if authorization is first given by the Commanding Officer of the Troop or unit to which the officer is assigned and the person (or if the person is under eighteen (18) years of age, a parent of the person) signs a [release/waiver form](#).

#### B. Whenever an officer is accompanied by either a Maine State Police officer applicant or a civilian passenger while on routine patrol (including, but not limited to, by a civilian "ride-along" passenger), the officer must contact his or her supervisor and the RCC of

jurisdiction to provide advance notice that the officer is accompanied by the passenger.

1. The officer shall request that a call for service number be started for a civilian "ride-along" (8211).
2. Information provided by the officer in the Call for Service report must include:
  - a. The reason the passenger is accompanying the officer (for example, the passenger is an applicant for employment with the Maine State Police, a member of the Legislature, or a student or intern studying criminal justice or law);
  - b. The name, date of birth, home address, and telephone number of the passenger;
  - c. Emergency contact information obtained from the passenger, in case a situation arises that necessitates contact/notification of someone closely associated with the passenger.

#### 5. RETENTION OF RELEASE/WAIVER FORMS

- A. Signed release/waiver forms must be placed on file at the headquarters of the Troop or unit to which an officer is assigned for a minimum period of seven (7) years, unless the release/waiver forms have been completed in order to allow a minor to accompany an officer as a passenger while on routine patrol, in which case such forms must be retained until a minimum period of seven (7) years have passed after each such passenger's eighteenth birthday.

#### 6. OPERATION OF MAINE STATE POLICE VEHICLES OUTSIDE OF AN ASSIGNED PATROL OR WORK AREA

- A. An on-duty uniformed officer assigned to a field division shall notify the officer's immediate supervisor and obtain approval prior to leaving the officer's assigned patrol area.
  1. In the event of an emergency, the officer may use discretion to determine whether he or she must leave the officer's assigned patrol area, and, if the officer does leave that area, the officer shall notify his or her supervisor as soon as practicable.
- B. An on-duty officer assigned to a Maine State Police division that is not a field division shall notify the officer's immediate supervisor and obtain approval prior to leaving the officer's assigned work area.
  1. In the event of an emergency, the officer may use discretion to determine whether he or she must leave the officer's assigned work area, and, if the officer does leave that area, the officer shall notify his or her supervisor as soon as practicable.

#### 7. PERSONAL VEHICLES OF MAINE STATE POLICE OFFICERS

- A. An officer of the Maine State Police shall not use his or her personal vehicle for any Maine State Police-related business, unless authorization is first given by the Commanding Officer of the Troop or unit to which the officer is assigned.
  1. A Commanding Officer may not authorize a mileage-reimbursement payment to an officer who has used his or her personal vehicle for Maine State Police-related business, without the prior approval of the Colonel.

#### 8. OFF-DUTY USE OF MAINE STATE POLICE VEHICLES

- A. Generally, the use of an assigned vehicle by an off-duty officer is restricted to occasional personal use and emergency use;
  1. **Under no circumstances, however, may an assigned vehicle be used for purposes related to outside employment.**
- B. An off-duty officer may use his or her assigned vehicle for occasional personal use within the officer's assigned patrol or work area.
- C. An off-duty officer may use his or her assigned vehicle for occasional personal use outside the officer's assigned patrol or work area, so long as the officer's immediate

supervisor gives prior approval of such use.

- D. Whenever a Maine State Police vehicle is used for unassigned travel by an off-duty officer, the officer shall be either in the proper uniform of the day or attire approved by his or her Commanding Officer, and shall assume an "on-duty" status for communication and operational purposes.
- E. An off-duty officer must have his or her department-issued handgun on his or her person at any time the officer is operating a Maine State Police vehicle, unless otherwise provided by [Maine State Police General Order E-8, Maine State Police Policy Regarding Firearms.](#)
- F. An off-duty officer using his or her assigned vehicle for unassigned travel shall be responsible for the costs of fueling and maintaining the vehicle during such travel.
- G. An off-duty officer's personal liability for a vehicle assigned to him or her shall be that stated in applicable employment contracts.
- H. If an off-duty officer using an assigned vehicle for unassigned travel encounters a traffic accident or another type of incident that requires law enforcement involvement or intervention, the officer shall take initial action as necessary with respect to the accident or incident, shall notify the Regional Communications Center of jurisdiction, and, if necessary, shall remain at the scene until an assigned officer arrives at the scene.

#### 9. MAINTAINING, SECURING, AND EQUIPPING OF MAINE STATE POLICE VEHICLES

- A. Each officer shall ensure that his or her assigned vehicle is properly maintained by:
  - 1. Ensuring that the proper oil level of the vehicle is maintained;
  - 2. Ensuring that each tire on the vehicle is at the proper tire pressure level;
  - 3. Scheduling routine maintenance of the vehicle as directed by the Manager of Maine State Police Fleet Maintenance;
  - 4. Scheduling repair of the vehicle if it is having mechanical problems or has been damaged; and
  - 5. Ensuring that the exterior and interior of the vehicle remains clean.
- B. Each officer shall ensure that his or her assigned vehicle is properly secured by:
  - 1. Ensuring that the vehicle is properly secured when not occupied, including by:
    - a. Locking the vehicle when it is left unattended;
    - b. Engaging any factory-installed security system or installed after-market alarm or security system, if so equipped;
    - c. Removing the ignition key from the vehicle when it is not needed in order to leave the engine running;
      - 1. If the engine must be left running, then the doors of the vehicle must be locked;
    - d. Ensuring that any anti-theft devices are functioning properly and are in use at all times, unless it is necessary to disable the system for service or repair of the vehicle;
      - 1. This includes, for example, any factory-installed devices or installed after-market devices;
        - A. If any anti-theft equipment malfunctions in an officer's vehicle, the officer shall schedule repair of the equipment as soon as practicable, as well as notify his or her supervisor of the equipment malfunction;
    - e. Ensuring that any issued firearms are properly secured when the vehicle is left unattended, including, for example, locking one's issued rifle in a gun mount, if the vehicle is equipped with such.
      - 1. Members of a Maine State Police Specialty Team (such as, for example, the Tactical Team) shall store firearms and other equipment in a manner specified by the Commander or Leader of

each respective team.

- C. An officer shall not alter the external physical appearance of his or her assigned vehicle in any way.
1. For example: Window and bumper stickers and decals, other than those applied by Maine State Police Fleet Maintenance, or that are specifically authorized by the Maine State Police Command Staff, are prohibited.
  2. Original equipment on an assigned vehicle (e.g., vehicle hubcaps, spotlights) may not be removed or altered in any way unless authorization is first given by the Manager of Maine State Police Fleet Maintenance.
  3. Equipment that changes the outward appears of an assigned vehicle may not be added to an assigned vehicle unless authorization is first given by the Manager of Maine State Police Fleet Maintenance.

#### ATTACHMENTS

["Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement" form](#)

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MAINE STATE POLICE

RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY AGREEMENT

I, [PRINTED NAME OF PASSENGER], (DOB: MM / DD / YYYY), in consideration for the opportunity to ride as a passenger in a Maine State Police vehicle (which vehicle may be a marked or unmarked car or airplane) operated by a Maine State Police officer, hereby release and forever discharge the Maine State Police, the Department of Public Safety, the State of Maine, and all of their officers, directors, employees, agents, and representatives (the "Releasees") from any and all liability, claim, loss, cost, or expense, and promise not to sue on any such claims against any Releasee, arising directly or indirectly from, or attributable in any legal way to, any negligence, action, or omission to act of any Releasee in connection with my riding as a passenger in a Maine State Police vehicle.

I UNDERSTAND that during the course of their work Maine State Police officers are frequently required to drive their vehicles at high speeds, to engage in hazardous activities related to crime prevention and crime suppression, and to respond to emergency situations. I further understand that it is likely that one or all of these types of hazardous activities may occur during the time that I am riding as a passenger in a Maine State Police vehicle, and that the Maine State Police vehicle in which, and the Maine State Police officer with whom, I am riding may become directly involved in one or more of the types of hazardous activities described above.

I UNDERSTAND that when the vehicle in which I am riding, or the Maine State Police officer with whom I am riding, becomes involved in, or is assigned to, a dangerous call or is in a perilous situation, I may, but not necessarily will, be dropped off at a given location for the duration of the time required for the officer to respond to the dangerous call or perilous situation. I further understand that there may be dangerous or perilous situations during which the Maine State Police officer with whom I am riding may not be able to drop me off during the duration of the time required to respond to the dangerous call or perilous situation. I fully assume the risk for any bodily injury, death, or property damage arising out of or relating to my riding as a passenger in a Maine State Police vehicle, whether caused by the negligence of any Releasee or otherwise.

I AGREE that this Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement extends to all acts of negligence of any Releasee and is intended to be as broad and inclusive as is permitted by law. Should I or my successors assert a claim in contravention of this Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement, I or my successors shall be liable for the expenses (including legal fees) incurred by the other party or parties in defending, unless the other party or parties are financially adjudged liable on such claim for willful and wanton negligence.

I HAVE READ THIS RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY AGREEMENT, FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT (INCLUDING THE RIGHT TO BRING NEGLIGENCE CLAIMS AGAINST THE RELEASEES), AND INTEND MY SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW.

SIGNATURE:	SIGNATURE OF PASSENGER	DATE:	
SIGNATURE:	SIGNATURE OF PARENT OR GUARIDAN OF PASSENGER IF PASSENGER IS UNDER 18 YEARS OF AGE	DATE:	
SIGNATURE:	SIGNATURE OF MAINE STATE POLICE REPRESENTATIVE	DATE:	



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE DISCONTINUATION OF EMPLOYMENT PROCESS | **NUMBER:** E-83

**EFFECTIVE DATE:** 09.26.2017 | **RECENT HISTORY:** REVISED (09.26.2017); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (06.29.2009); FORMERLY GO 106; GO 106 RESCINDED POLICY #15; 12.01.1994

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police stating the process to be followed when a sworn officer of the Maine State Police discontinues employment with the agency by resignation, retirement, or termination.

### II. POLICY

1. The policy of the Maine State Police is to implement and follow a uniform process that is to be followed when a sworn officer of the Maine State Police discontinues employment with the agency by resignation, retirement, or termination.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Commanding Officer. "Commanding Officer" means the primary supervisor of a Maine State Police Troop or Unit, or that person's designee.

### IV. PROCEDURE

1. DISCONTINUATION OF EMPLOYMENT BY RESIGNATION OR RETIREMENT
  - A. When a sworn officer's employment with the Maine State Police is discontinued due to his or her resignation or retirement, the following process must occur:
    1. The officer shall notify the Commanding Officer of the officer's Troop or Unit of the officer's intent to resign or retire;
    2. The Commanding Officer shall promptly:
      - a. Notify the Department of Administrative and Financial Services, Security and Employment Service Center of the officer's intent to resign or retire; and
      - b. Obtain all appropriate forms that must be completed as part of the resignation or retirement process.
        1. Such forms include, but are not necessarily limited to, the ["Discontinuation of Employment Checklist"](#) and the ["TERMINATION"](#) form utilized by the Department of Administrative and Financial Services, Security and Employment

Service Center.

3. Once the officer receives such documentation from the Commanding Officer, he or she shall ensure:
    - a. That, with respect to the "[Discontinuation of Employment Checklist](#)," each task listed on the checklist is completed, each item of issued Maine State Police property is returned to the agency, and that the respective signatures of the Supervisors and offices listed in the checklist are obtained to show that the officer has completed the tasks and returned the property indicated in the checklist.
    - b. That with respect to the "[TERMINATION](#)" form, that he or she completes the form as necessary and returns the form to his or her Commanding Officer.
  4. After receiving the "[Discontinuation of Employment Checklist](#)" and the "[TERMINATION](#)" form from the retiring or resigning officer, the Commanding Officer shall review and, where appropriate, complete those parts of the forms that he or she is required to complete.
- B. On the final day of the resigning or retiring officer's employment with the Maine State Police, the officer's Commanding Officer shall ensure that any necessary transportation arrangements have been made for the officer.
  - C. With the prior authorization of the Colonel, the resigning or retiring officer may be issued a retirement identification card.
  - D. At the option of the resigning or retiring officer and the election of the Colonel, the resigning or retiring officer may schedule and have an exit interview with the Colonel.

## 2. DISCONTINUATION OF EMPLOYMENT BY TERMINATION

- A. When a sworn officer's employment with the Maine State Police is discontinued due to his or her termination, the Commanding Officer of the Troop or Unit to which the officer belongs shall ensure:
  1. That the "[Discontinuation of Employment Checklist](#)" and the "[TERMINATION](#)" form are completed; and
  2. That, in accordance with the "[Discontinuation of Employment Checklist](#)," the officer has returned all State of Maine property and work product to the Maine State Police.

### ATTACHMENTS

["Discontinuation of Employment Checklist"](#)  
["TERMINATION" form](#)

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STATE OF MAINE  
*Department of Public Safety*  
18 Meadow Road  
104 State House Station  
Augusta, Maine  
04333

## TERMINATION OF EMPLOYMENT CHECKLIST

Upon termination or separation of any employee from the Department of Public Safety, this form must be completed and signed by the Bureau Head or Supervisor. In the case the employee is a member of the State Police, the commanding officer or supervisor of the troop or unit shall sign.

\_\_\_\_\_  
Employee's Name

1. Bureau Head or Supervisor, or Troop/  
Unit Commander or Supervisor

\_\_\_\_\_  
Signature Date

2. Supply

\_\_\_\_\_  
Signature Date

3. Garage

\_\_\_\_\_  
Signature Date

4. Radio Repair

\_\_\_\_\_  
Signature Date

5. MIS

\_\_\_\_\_  
Signature Date

6. MSP Administration

\_\_\_\_\_  
Signature Date

7. Personnel

\_\_\_\_\_  
Signature Date

## TERMINATION OF EMPLOYMENT CHECKLIST

1. Troop or Unit Commander or Supervisor
  - 31-Day Report
  - 14-Day Report
  - All investigative reports properly cleared, closed, or transferred to another officer
  - All keys and troop/unit issued items recovered
  - Radar
  - Pre-arrest kit
  - Light transmittance meter
  - Measuring stick
  - Video equipment (If it is the multi-unit video recording system, i.e., monitor, camera, body wire, locked box in trunk, the unit shall only be removed, stored, and installed by DPS Radio Repair.)
2. Supply
  - All issued clothing
  - Accessories to uniforms
    - Badges
    - Gun belt w/Sam Brown belt
    - Handcuffs w/case
    - Capstun w/case
    - Baton w/holder
    - Magazine holder w/magazines
    - Weapon w/holster (if not purchased)
  - Biohazard Kit
  - Jump Kit (safety orange)
  - All other issued weapons
  - Flashlight
  - Summons Pad (if not turned into troop/unit)
  - Riot helmet
  - Riot Baton
  - Equipment bag (Riot)
  - First Aid Kit
  - Soft Body Armor
  - Fingerprint Kit (Return to Crime Lab)
  - Stinger Spike System
3. Garage
  - Vehicle and all registration plates
  - Gas credit card(s)
  - Citizens Band Radio (CB)
  - Fire Extinguisher
4. Radio Repair
  - Portable Radio
  - Multi-unit video recording system
  - Cellular Telephone
5. MIS
  - Secure ID Cards
  - Laptops or MDT's
  - Digital Camera, PDA, Special Printers, Software, Modems, etc.
  - Telephone Calling/Credit Card
  - Email and Server Accounts
6. Administrative Services
  - American Express Card
7. Personnel
  - Termination forms
8. Colonel's Secretary
  - I.D. case and I.D.
  - Pager

# TERMINATION

STATE OF MAINE  
BUREAU OF HUMAN RESOURCES

EFFECTIVE DATE

--

COMPANY #	DEPARTMENT	ORGANIZATIONAL UNIT
01600	PUBLIC SAFETY	
ADMINISTRATIVE UNIT	UNIT DIVISION	EMPLOYEE NAME AND NUMBER
CLASS CODE	CLASS TITLE	POSITION NUMBER

## EMPLOYEE RESIGNATION

<i>I HEREBY RESIGN FROM MAINE STATE SERVICE OF MY OWN FREE WILL AND WITHOUT COERCION.</i>		
EMPLOYEE SIGNATURE	DATE SIGNED	EFFECTIVE DATE
*	*	*
COMMENTS: *		

## SUPERVISOR'S REPORT

SIGNATURE	EXIT INTERVIEW DATE	DATE LAST PERFORMANCE APPRAISAL
TERMINATION CODE	TERMINATION REASON	
REHIRE RECOMMENDATION AND COMMENTS		

## APPROVALS

DEPARTMENT	DATE	BUREAU OF HUMAN RESOURCES	DATE

BHR Copy       Agency Copy       Employee Copy

**CONTINUATION OF BENEFITS COVERAGE**

Employee Name		Employee Number	
Department PUBLIC SAFETY		Bureau of Division	
<input checked="" type="checkbox"/> Termination  Termination Reason: Effective Date:		<input type="checkbox"/> Unpaid Leave of Absence  Type of Leave: Begin Date: End Date:	
Address where you can be reached		Daytime Telephone	

**RULES & PROCEDURES (see other side)**

<b>LIFE INSURANCE - 31 Days Notification Period</b>	
<input type="checkbox"/> Continue Coverage	<input type="checkbox"/> Do Not Continue Coverage
<b>HEALTH INSURANCE - 60 Days Notification Period</b>	
<input type="checkbox"/> Continue Coverage	<input type="checkbox"/> Do Not Continue Coverage
<b>DENTAL INSURANCE - 60 Days Notification Period</b>	
<input type="checkbox"/> Continue Coverage	<input type="checkbox"/> Do Not Continue Coverage

Employee Signature *	Date *
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Return this completed form to your Personnel Office

- Life Insurance Copy  
 Health & Dental Copy  
 Human Resources Copy (Submit with HRP)
- Departmental Personnel Copy  
 Employee Copy

## RULES & PROCEDURES

After you separate from service or begin a leave of absence, State and Federal law allows you to elect the continuation of certain benefit plans which you now have. **IT IS IMPORTANT TO NOTE THAT YOU HAVE A SPECIFIC NUMBER OF DAYS FROM YOUR TERMINATION DATE OR THE BEGINNING OF YOUR LEAVE OF ABSENCE TO NOTIFY THE PLAN ADMINISTRATOR(S) WHETHER OR NOT YOU WISH TO CONTINUE YOUR BENEFIT COVERAGE.**

### **IF YOU ELECT TO CONTINUE:**

Check the Continue Coverage box beside the plan(s) for which you wish to continue your participation. A copy of this form will be sent to the Plan Administrator(s) for which you have elected continuation of coverage; and subsequently you will be notified directly by mail of your eligibility, your benefit amount, its duration, and your costs for continuing this coverage.

### **IF YOU ELECT NOT TO CONTINUE:**

Check the Do Not Continue Coverage box in each of the areas for which you are declining continuation of coverage.

If you elect not to continue coverage at this time, you will not receive further notification from your Plan Administrator(s); and if you change your mind within the Notification Period of your intent to participate, it is your sole responsibility to notify the Plan Administrator(s) or you forfeit that right.

## LIFE INSURANCE

### CONTINUATION OF STATE GROUP LIFE INSURANCE For a State Employee on a Leave of Absence or Seasonal Layoff

If a participant in the State Group Life Insurance Program is on a leave of absence or seasonal layoff and wishes to continue State Group Life Insurance coverage, premiums must be paid for the period in which the participant is off the payroll. A 31 day lapse in premiums will terminate State Group Life Insurance coverage. While on leave or seasonal layoff, premiums for employer-paid (State of Maine) Basic coverage must be paid as well as any deductions for the additional Supplemental and/or Dependant coverage while the participant is off the payroll. If coverage is not continuous, it will be necessary to pass a physical examination prior to beginning or reinstating Supplemental Coverage.

### CONVERSION OF STATE GROUP LIFE INSURANCE For a State Employee Who Terminates Employment

Coverage on any participant or dependant will cease at the end of the last period for which premiums for that participant or dependant are paid to the Maine State Retirement System, subject to a 31 day grace period. Therefore, if a terminated participant wishes to continue coverage, he must convert this coverage with UNUM Life Insurance Company. Conversion will be allowed if application is made and the first premium paid within 31 days after the insurance coverage has terminated. Coverage will be converted to a private policy.

If you have any questions concerning State Group Life Insurance, contact the Maine State Retirement System at 287-3461 or 1-800-451-9800.



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING ISSUANCE OF PROPERTY RECEIPTS |  
**NUMBER:** E-84

**EFFECTIVE DATE:** 03.10.2014 | **RECENT HISTORY:** REVISED (03.10.2014); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.07.2009); FORMERLY GO 107

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the requirement and general procedure for the issuance of receipts for property that is confiscated or otherwise received from a person by a member of the Maine State Police.

### II. POLICY

1. The policy of the Maine State Police is for its officers to issue a receipt for items of property that are confiscated or otherwise received from a person by a member of the Maine State Police.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Property. "Property" means a tangible item, including, but not limited to:
    1. Evidence;
    2. Contraband;
    3. Abandoned, lost, or stolen items;
    4. Items seized during a search;
    5. Currency.

### IV. PROCEDURE

1. ISSUANCE OF RECEIPTS
  - A. An officer who takes possession of property from a citizen shall issue a receipt for the property on the official form that is appropriate to be used for the type of property received.
  - B. The issued receipt must contain a reasonably detailed description of the property, including, but not limited to, and as applicable:
    1. The name of the manufacturer of the item of property;
    2. The model number of the item of property;
    3. The serial number of the item of property;
    4. The amount of currency received;

5. A description of any unique identifying marks on the property.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING RESIDENCE LOCATION AND RELOCATION  
**| NUMBER:** E-85

**EFFECTIVE DATE:** 02.27.2014 | **RECENT HISTORY:** REVISED (02.27.2014); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.07.2009); FORMERLY GO 108

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is:
  - A. To establish procedures regarding the determination of initial residence locations of probationary Maine State Police officers upon their graduation from the Maine Criminal Justice Academy;
  - B. To establish procedures regarding the relocation of an officer's residence; and
  - C. To maintain an up-to-date roster of all sworn Maine State Police officers.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To assign sworn officers to locations throughout the State of Maine so as to ensure that the agency's mission of protecting public safety and enforcing the law may be carried out effectively; and
  - B. When possible, to accommodate officers' preferences and requests regarding residence location.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

### IV. PROCEDURE

1. RESIDENCE LOCATION AND RELOCATION GENERALLY
  - A. An officer may not take up residence in a particular location, or relocate his or her residence to a particular location, without receiving prior approval to do so from the officer's Commanding Officer or the Lt. Colonel, as applicable and as set forth in this policy.
2. INITIAL ASSIGNMENT OF PROBATIONARY TROOPERS
  - A. The Lt. Colonel, in consultation with the field Troop Commanders and the Academy Commander, shall assign each probationary officer to a Troop.
    1. The Troop Commander of each Troop shall designate the municipality or area

- in which each new officer assigned to the Troop is to reside.
2. Once a probationary officer is assigned to a municipality or area of residence by the Troop Commander, the officer shall inform the Troop Commander of the address and telephone number of the officer's residence once the officer is occupying the residence.
3. REQUESTS TO RELOCATE
- A. A noncommissioned officer who wishes to relocate his or her residence shall make a request to do so in writing to his or her Troop or Unit Commander.
    1. If the Troop or Unit Commander approves a request to relocate, then the requesting officer shall inform the Troop or Unit Commander of the address and telephone number of the officer's new residence once the officer is occupying the residence.
    2. In advance of relocation, the officer also shall notify the Troop or Unit Commander of the date on which the officer's relocation will become effective.
4. REQUESTS TO TRANSFER
- A. A noncommissioned officer who wishes to transfer shall make a request to do so in writing to his or her Troop or Unit Commander.
  - B. If the Troop or Unit Commander approves a request to transfer, and relocation of the residence of the requesting officer is necessary, the Troop or Unit Commander of the Troop or Unit to which a noncommissioned officer is to transfer shall specify the municipality or area in which the officer is to reside.
    1. If relocation is necessary, the requesting officer shall inform his or her new Troop or Unit Commander of the address and telephone number of the officer's new residence once the officer is occupying the residence.
    2. In advance of relocation, the officer also shall notify the Troop or Unit Commander of the date on which the officer's relocation will become effective.
5. PROMOTIONS
- A. When a promotion necessitates the relocation of a noncommissioned officer's residence location, the Troop or Unit Commander of a Troop or Unit to which the officer is promoted shall specify the municipality or area in which the officer is to reside.
    1. An officer who is promoted and must relocate shall inform his or her new Troop or Unit Commander of the address and telephone number of the officer's new residence once the officer is occupying the residence.
    2. In advance of relocation, the officer also shall notify the Troop or Unit Commander of the date on which the officer's relocation will become effective.
6. COMMISSIONED OFFICER RELOCATION AND TRANSFER REQUESTS, AND PROMOTIONS
- A. A commissioned officer who wishes to relocate his or her residence shall submit a request to do so in writing to the Lt. Colonel. The Lt. Colonel shall approve or deny the request.
    1. If a request to relocate is approved by the Lt. Colonel, then the Lt. Colonel shall determine the municipality or area where the requesting commissioned officer shall reside.
      - a. The commissioned officer shall inform the Lt. Colonel of the address and telephone number of the officer's new residence once the officer is occupying the residence.
      - b. In advance of relocation, the officer also shall notify the Lt. Colonel of the date on which the officer' relocation will become effective.
  - B. When a Commissioned Officer requests a transfer, the Lt. Colonel shall approve or deny the request.
    1. If a request for a transfer is approved by the Lt. Colonel, and relocation of the officer's residence is necessary, then the Lt. Colonel shall determine the municipality or area where the requesting commissioned officer shall reside.

- a. The commissioned officer shall inform the Lt. Colonel of the address and telephone number of the officer's new residence once the officer is occupying the residence.
  - b. In advance of relocation, the officer also shall notify the Lt. Colonel of the date on which the officer' relocation will become effective.
- C. The Lt. Colonel shall specify the municipality or area to which a promoted commissioned officer, or a noncommissioned officer promoted to be a commissioned officer, shall reside, if relocation of the promoted officer's residence is necessary.
1. The commissioned officer shall inform the Lt. Colonel of the address and telephone number of the officer's new residence once the officer is occupying the residence.
  2. In advance of relocation, the officer also shall notify the Lt. Colonel of the date on which the officer' relocation will become effective.
7. UP-TO-DATE ROSTER OF OFFICERS TO BE MAINTAINED
- A. An up-to-date roster of sworn Maine State Police officers shall be maintained at Maine State Police Headquarters.

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# MAINE STATE POLICE GENERAL ORDER

E-87

**SUBJECT:** MAINE STATE POLICE POLICY ESTABLISHING THE HONOR GUARD TEAM

**EFFECTIVE DATE:** 02.10.2020

**RECENT HISTORY:** REVISED (02.10.2020); REVISED (09.26.2017); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.12.2009); FORMERLY GO 110; 07.17.1995

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

## I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Honor Guard Team.

## II. POLICY

1. The policy of the Maine State Police is to establish, maintain, and support a competently trained Honor Guard Team to represent the Maine State Police by highlighting the qualities of Dignity, Honor and Respect in ceremonies, including, but not limited to, rendering honors to fallen and seriously injured officer of the Maine State Police and any Department of Public Safety personnel, active-duty law enforcement funerals, Maine State Police retiree funerals, memorial services, sporting events, approved parades and civic events, and any other detail as determined by the Colonel of Maine State Police.

## III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Honor Guard Team. “Honor Guard Team” means a group of twenty (20) sworn Maine State Police officers comprised of members who are specifically trained to conduct Color Guard details, casket and urn movements, firing party procedures, flag folding, honorable escorts, wreath laying ceremonies and general drill and ceremony movements.
  - 1. The Honor Guard Team is the official ceremonial unit of the Maine State Police.
- B. Honor Guard Detail. “Honor Guard Detail” means events such as funerals, memorial services, high-profile Color Guard events (sporting events, large festivals and civic events), overwatch of severely injured Maine State Police personnel at trauma centers, and honorable escort of Armed Forces Veteran’s remains in support of the Maine Funeral Honors program.
- C. Level I Detail. “Level I Detail” means an event at which all members of the Team are expected to attend.
  - 1. As examples, a line of duty death funeral detail and the Maine Law Enforcement Officers Memorial ceremony.
- D. Level II Detail. “Level II Detail” means an event at which the Team Commander determines the appropriate complement of members for the detail.
  - 1. As examples, a retiree funeral detail and a color guard detail.
- E. Law Enforcement Officers Memorial Ceremony. “Law Enforcement Officers Memorial Ceremony” means the annual ceremony that occurs at the State of Maine Law Enforcement Officers Memorial in Augusta.
- F. Honor Guard Team Commander. “Honor Guard Team Commander” means the leader of the Honor Guard Team, or her or his designee, who, prior to an Honor Guard detail, coordinates the Team’s assignments and the equipment requirements for the detail.
  - 1. The Honor Guard Team Commander also is Funeral Detail Commander pursuant to Maine State Police General Order E-14)
- G. Honor Guard Team Member. “Honor Guard Team Member” means a sworn member of the Maine State Police who is trained to conduct Color Guard details, casket and urn movements, firing party procedures, flag folding, honorable escorts, wreath laying ceremonies, and general drill and ceremony movements.

#### **IV. PROCEDURE**

- 1. Team Structure
  - A. From the current Team members, the Colonel shall select an Honor Guard Team Commander and a maximum of three (3) Assistant Team Commanders.
  - B. The Team shall be comprised of a number of members based on the needs and requirements of the Team.

## 2. Team Membership

- A. When a vacancy on the Team exists, the Special Services Lieutenant, or her or his designee, shall notify all sworn Maine State Police officers of the opening.
- B. A sworn member interested in joining the Team shall forward a written request through the officer's Commanding Officer to the Special Services Lieutenant, or her or his designee.
  - 1. The officer's Commanding Officer shall forward with the written request a recommendation and copies of the officer's performance evaluations for the most recent rating period.
- C. Consideration in the final selection to the Team shall be based on:
  - 1. A candidate's time in service and related experience;
    - a. A candidate must have completed one (1) year of service after graduation from the Recruit Training Troop.
      - (1) Exceptions to this requirement will be handled on a case-by-case basis for new members that were certified as a law enforcement officer and were, or are currently, certified in or assigned to a related law enforcement specialty;
  - 2. Having met or exceeded expectations on the most recent performance evaluation;
  - 3. A willingness to make a minimum commitment of three (3) years to the Team;
  - 4. The recommendation of the Commanding Officer of a candidate;
  - 5. The geographic location of the candidate's residence;
  - 6. The operational needs of the Maine State Police; and
  - 7. The approval of the Special Services Major.
- D. Each interested officer must successfully complete the following:
  - 1. A physical fitness assessment test (*see* Maine State Police General Order E-107); and
  - 2. Any additional skills testing, interviews, or evaluations specified by the Special Services Lieutenant, or his or her designee.
- E. An officer selected to join the Team shall be a probationary member of the Team for one (1) year. At the end of that period, the Honor Guard Team Commander shall make a recommendation to the Special Services Lieutenant as to whether the officer should become a permanent member of the Team. The Special Services Lieutenant, under the direction of the Special Services Major, shall determine whether the officer will become a permanent member of the Team based on the Honor Guard Team Commander's recommendation and any other information the Special Services Lieutenant thinks relevant to the determination.

## 3. Team Member Retention Requirements

- A. To remain a member of the Honor Guard Team, a member must:
    - 1. Be able to maintain a professional appearance in uniform and demeanor at all Team assignments;
    - 2. Be able to maintain a professional appearance and demeanor in their normal duty assignments;
    - 3. Attend of eighty percent (80%) of yearly training, unless excused by the Honor Guard Team Commander;
    - 4. Participate in at least five (5) details per year, unless excused by the Honor Guard Team Commander.
  - B. The Special Services Lieutenant, upon recommendation of the Honor Guard Team Commander, may remove a member of the Team when the member fails to meet the requirements of this section, or for any reason that renders the member incapable of performing Team functions to the satisfaction of the Honor Guard Team Commander.
  - C. Members of the Team must always be aware of the high-profile visibility that the Team brings to the Maine State Police and recognize that repeated unavailability has a detrimental effect on the overall competency and ability of the Team to function cohesively.
4. Team Equipment
- A. After selection, each Team member will be issued extra uniform(s) and accessories determined by the Team Commander following consultation with the Special Services Lieutenant.
  - B. Issued uniforms, gear, and equipment shall be maintained at all times in a manner and condition specified by the Team Commander.
  - C. Each member will also be issued a folded American Flag to be transported in the members' cruisers at all times.
    - 1. The flags will be transported in the trunks of members' issued vehicles, inside a nylon bag.
5. Team Training
- A. The Honor Guard Team Commander, or her or his designee, shall determine the scope and subject matter of the Team's training.
  - B. The Honor Guard Team Commander, or her or his designee, shall maintain a training file for each Team member.
  - C. The Honor Guard Team will train one (1) eight- (8-)hour day every other month, to include the administration of a physical agility test.
  - D. Each new member shall attend an approved forty- (40-)hour long Honor Guard Team Course.
  - E. The Team shall train once annually with other New England State Police Administrators Conference Honor Guards.
6. Team Activation
- A. All Team activation requests shall be made through the Honor Guard Team Commander, or her or his designee.

- B. A Team member who receives a request for the Honor Guard shall promptly notify the Team Commander, or her or his designee.
7. Reports and Documentation
- A. The Special Services Lieutenant may require any such reports or documentation to be created or utilized by the Team that, in the Special Services Lieutenant's judgment, are necessary to ensure the effective and responsible operation of the Team.
  - B. Such reports and documentation may include, but are not limited to:
    - 1. Standardized documents that may be used in determining whether Team activation should occur in response to a request for Team activation.
    - 2. Standardized documents that may be used to obtain information when a request Team activation is made;
    - 3. Reports memorializing the operations of the Team.

**NOTICE**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE FUELING OF AGENCY VEHICLES AND EQUIPMENT | **NUMBER:** E-89

**EFFECTIVE DATE:** 09.07.2017 | **RECENT HISTORY:** REVISED (09.07.2017); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.06.2009); FORMERLY GO 115

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the fueling of agency vehicles and items of equipment.

### II. POLICY

1. The policy of the Maine State Police is to use WEX-issued credit cards for all purchases of fuel for agency vehicles and items of equipment, as well as for purchases of synthetic motor oil, windshield solvent, and other automotive products for agency vehicles and items of equipment when prior authorization is given to do so in accordance with this policy.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Maine State Police vehicle. "Maine State Police vehicle" means a vehicle owned or leased by the Maine State Police.
  - B. Maine State Police equipment. "Maine State Police equipment" means any motorized equipment that uses fuel, other than a Maine State Police vehicle, that is owned or leased by the Maine State Police.
  - C. WEX card. "WEX card" means a WEX-issued credit card assigned to each Maine State Police vehicle and to each item of Maine State Police equipment, and that is to be used to purchase fuel for that vehicle or equipment, as well as synthetic motor oil, windshield solvent, or other automotive products when prior authorization is given to do so in accordance with this policy.

### IV. PROCEDURE

#### 1. GENERAL

- A. Except as otherwise provided in this policy, all Maine State Police vehicles and items of equipment must be fueled at filling stations that accept the WEX card as a form of payment.
- B. Fuel purchased for Maine State Police vehicles and items of equipment must be paid for using the WEX card.
- C. A WEX card may not be used for any purpose other than those stated in this policy, including, but not limited to, for personal use.

## 2. USE OF WEX CARDS

- A. Only a WEX card that has been assigned to a specific Maine State Police vehicle or item of Maine State Police equipment may be used to purchase fuel and other automotive products for that vehicle or item of equipment .
  - 1. A WEX card assigned to a specific vehicle or item of equipment must be kept with the vehicle or item of equipment at all times.
- B. A Maine State Police employee using a WEX card for the purchase of fuel (or, when authorized, for other automotive products) must enter the four-digit personal identification number ("PIN") assigned to him or her when using the card.
- C. Prior to fueling a Maine State Police vehicle or an item of Maine State Police equipment, a Maine State Police employee shall learn whether the fueling station accepts the WEX cards as a form of payment.
  - 1. If exigent circumstances exist, a Maine State Police employee may purchase fuel at a station that does not accept WEX cards as a form of payment.
    - a. In such circumstance, the employee may use a form of personal payment that is accepted by the station, and then may be reimbursed by the agency for the cost of the fuel (or, when prior authorization was given, for the cost of the automotive equipment) that was purchased.
- D. Only Maine State Police vehicles and items of Maine State Police equipment may be fueled using a Maine State Police-issued WEX card.
- E. In the event a Maine State Police employee needs to obtain an automotive product other than fuel (such as synthetic motor oil or windshield solvent), prior approval must be obtained from the employee's immediate supervisor, Commanding Officer, or the Supervisor of Fleet Maintenance.
- F. Replacement WEX cards must be obtained through Fleet Maintenance in Augusta.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE CHAPLAIN | **NUMBER:** E-90

**EFFECTIVE DATE:** 12.15.1998 | **RECENT HISTORY:** TECHNICAL CHANGE (10.04.2011); NEW (12.15.1998)

**DISTRIBUTION CODE:** 2

### I. PURPOSE

This general order provides for a chaplain to assist the Bureau of State Police.

### II. POLICY

It is the policy of this Bureau to have a chaplain available to provide certain services to the members of the State Police and the general public.

### III. DEFINITIONS

Bureau chaplain: A member of the clergy familiar with law enforcement procedures, designated by the Chief.

### IV. PROCEDURE

#### 1. DISCUSSION

- A. A chaplain's function is to provide assistance and counseling to sworn officers and support personnel within the Bureau, their families and the community-at-large. The availability of a chaplain is not meant to replace the use of appropriate psychological and medical services or a critical stress debriefing, but rather to augment them. A chaplain can be called when sworn officers or support personnel are experiencing stressful situations in either their professional or private lives, to assist victims of crimes, to assist in death notifications and at other times when it would be beneficial for a person to speak with a chaplain familiar with law enforcement procedures.

#### 2. REASONS TO REQUEST THE BUREAU CHAPLAIN

- A. When an officer determines that the assistance of the Bureau's chaplain would be beneficial to a citizen, the officer shall consult with the officer's supervisor, and, if the supervisor agrees, the chaplain may be contacted.
- B. A sergeant or officer-of-the-day may request the assistance of the chaplain at any scene or for any complaint where the sergeant or officer-of-the-day determines that it would be beneficial to the investigating officers.
- C. A sergeant or officer-of-the-day shall notify the chaplain following a critical incident as required by General Order 1H.
- D. A Police Communications Supervisor or other nonsworn supervisor may request the assistance of the Bureau chaplain when the supervisor believes it will be of benefit to the supervisor's subordinate(s) following a stressful incident or occurrence.

- E. A sworn or nonsworn supervisor may contact the chaplain to provide assistance to a subordinate at any other time that it is appropriate, provided the subordinate agrees to it. Alternatively, the supervisor may encourage the subordinate to contact the chaplain directly.
  - F. Any employee of the Bureau may contact the chaplain directly to assist that employee or employee's family.
3. REFUSAL TO ACCEPT CHAPLAIN'S SERVICES
- A. Sworn and nonsworn members of the Bureau are not required to accept the assistance of, or counseling by, the chaplain. If a person indicates that the person does not want the assistance of the chaplain, the chaplain shall discontinue contact with the person.
4. CONTACT INFORMATION
- A. Each Regional Communications Center (RCC) shall keep the name and telephone number of the Bureau chaplain(s) on record. [T]he RCC will provide that information, upon request, to a sworn or nonsworn member of the Bureau and will contact the chaplain if requested.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING O.U.I. ROADBLOCKS | **NUMBER:** E-93  
**EFFECTIVE DATE:** 01.27.2012 | **RECENT HISTORY:** TECHNICAL AMENDMENT (TO IV(6)(B)) (02.22.2012); TECHNICAL AMENDMENT (02.02.2012); REVISED (01.27.2012); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.09.2009); FORMERLY POLICY NO. 83  
**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of this General Order is to update and revise the Maine State Police policy regarding O.U.I. roadblock deployment.

### II. POLICY

1. The policy of the Maine State Police is to establish uniformity in the initiation of O.U.I. roadblocks to ensure the safety of the general public and the officers involved.
  - A. This policy in no way affects any other Maine State Police policy regarding enforcement of intoxicant-related offenses.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief of the Maine State Police, or his or her designee.
  - B. Intoxicant. "Intoxicant" includes, by way of example only, alcohol or a drug.

### IV. PROCEDURE

1. IDENTIFICATION AND DETERMINATION OF O.U.I. ROADBLOCK LOCATIONS
  - A. Each Troop Commander shall develop a list of roadblock zones based upon multiple considerations, including, but not limited to:
    1. Intoxicant-impaired driver crash frequency;
    2. Historical O.U.I. arrest data;
    3. High-risk locations.
  - B. Troop Commanders shall determine the location(s) on the designated routes where O.U.I. roadblocks may be held in accordance with this order.
  - C. A written, detailed plan shall be sent to the Major of Operations at least forty-eight (48) hours prior to the establishment of any O.U.I. roadblock.
    1. At a minimum, this plan should include the following information:
      - a. Location of the O.U.I. roadblock;
      - b. Time of the roadblock;
      - c. Personnel assigned to the roadblock;

- d. Safety equipment to be used at the roadblock;
- e. A description/overview of the location of the roadblock;
- f. An overview of the plan of conducting and scope of the roadblock.

## 2. SITE SELECTION

- A. An area or location that has been designated as an O.U.I. roadblock shall be established upon a roadway that:
  1. Provides ample sight distance on approach to the roadblock from either direction;
  2. Provides ample road shoulder or pull in area for the safety of the officer, and persons and vehicles that are stopped or detained during the roadblock; and
  3. Provides ample width to place marked police vehicles with regard to safety, visibility, and accessibility.

## 3. SAFETY

- A. At least two marked police vehicles shall be utilized at an O.U.I. roadblock as follows:
  1. One shall be parked on each side of the roadway facing in the direction of the respective traffic flow.
    - a. Both vehicles are to emit their blue lights and strobe hazardous warning lights at all times, and are to be positioned or located so as to be their most visible without creating a safety hazard.
- B. Personnel assigned to a roadblock shall wear the uniform of the day, traffic safety vest, and be otherwise equipped commensurate with the time of day.
- C. Traffic is to be stopped by a uniformed officer giving a visual stop signal.
  1. Each vehicle at the roadblock is to be stopped for a minimum amount of time, with the operator and all occupants remaining seated in the vehicle.

## 4. PERSONNEL AND EQUIPMENT

- A. Each O.U.I. roadblock shall be staffed by a State Police Sergeant in addition to a sufficient number of subordinate officers and/or sworn law enforcement officers from another agency to ensure compliance with this policy.
- B. Whenever practicable, traffic safety cones and traffic warning signs should be used to warn and slow vehicles approaching a roadblock.

## 5. RECORD KEEPING

- A. The Sergeant supervising a roadblock operation shall maintain a record of the operation, to include, but not be limited to, the following information:
  1. The number of vehicles passing through the roadblock;
  2. The number of vehicles actually checked during the operation;
  3. The number of Standardized Field Sobriety Tests administered during the operation;
  4. The number of O.U.I. violations determined during the operation, including the number of occasions in which a minor operating a motor vehicle was determined to be operating the vehicle under the influence of an intoxicant;
  5. The number of vehicles detained for violations other than alcohol-related violations;
  6. Information regarding any unusual incidents that occurred during the duration of the operation.
- B. Once completed, this record shall be forwarded to the Colonel through the Chain-of-Command as soon as possible after a roadblock operation is completed.

## 6. CONDUCT OF ROADBLOCK

- A. Every attempt to minimize inconvenience to the traveling public must be taken.

- B. Requests for license and registration information should not be undertaken unless the officer has reasonable, articulable suspicion or probable cause to believe that a crime, civil violation, or traffic infraction is being, or may have been, committed.
- C. Every vehicle is to be checked unless it is evident that roadblock traffic is being unnecessarily delayed, or that the volume of traffic may delay or create a safety hazard. In such cases, traffic shall be waved on until the volume decreases to allow a minimum inconvenience.
- D. A very brief and courteous statement about the roadblock operation should be made to operators by an officer staffing a roadblock.
  - 1. For example: "Good evening. Maine State Police. This is a routine O.U.I. roadblock. Sorry for any inconvenience. Thank you."
- E. Only if there is evidence that a motor vehicle operator is operating under the influence of an intoxicant, or there is evidence of any other violation of law, will further inquiry be warranted.

#### 7. ARREST/CHARGING PROCEDURES

- A. If during the brief stop an officer develops specific facts that lead the officer to believe that a motor vehicle operator may be illegally operating under the influence of an intoxicant (or, in the case of a minor operating a motor vehicle, may be operating the vehicle under the influence of an intoxicant), the officer shall then act in accordance with applicable law and policies.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINES STATE POLICE POLICY REGARDING INSPECTIONS, STANDARDS, AND SPECIAL PROJECTS | **NUMBER:** E-95

**EFFECTIVE DATE:** 08.06.2014 | **RECENT HISTORY:** ATTACHMENT UPDATED (03.10.2015); AMENDED (08.06.2014); TECHNICAL CHANGE (10.04.2011); AMENDED (SUBSTANTIVE AMENDMENT)(12.14.2006); NEW (12.14.2006)

**DISTRIBUTION:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. Uniformity in the administration and operation of the Bureau of the Maine State Police (bureau) is essential. An inspection process is a central mechanism for evaluating the quality of the State Police operations, ensuring that the agency's goals are being pursued, identifying the need for additional resources, and making certain that quality of service is maintained throughout the organization.
2. Inspections are the function and responsibility of command. Inspections include evaluation of facilities, vehicles, equipment, records, personnel, investigative procedures, crime reporting practices, and incident reports. All inspections are to be conducted with clear objectives and a positive approach, and are intended to provide a means of communication within the State Police throughout the chain of command.
3. The inspections are coordinated annually by the Inspections Unit through the use of "Action Teams." Inspections are currently coordinated by the Lieutenant in charge of the inspections unit, who is under the immediate supervision of the Support Services Major. These inspections include all troop area offices, State Police headquarters, the training academy, the crime laboratory, evidence storage areas and any other Maine State Police facilities deemed necessary. The inspections are coordinated annually by the Inspections Unit through the use of "Action Teams" consisting of two Lieutenants and one Sergeant on a yearly rotating basis.

### II. POLICY

1. The policy of the bureau is to utilize an inspection process to ensure the uniformity of, and quality of service provided throughout, the organization, as well as to generally improve the delivery of services and compliance with other General Orders. While inspections are not intended to provide an opportunity to take disciplinary action, such action, if warranted by circumstances, may be necessary.

### III. DEFINITIONS

1. Action Team. "Action Team" means a team- consisting of subject matter experts, either sworn, un-sworn, or a combination thereof, that is assembled for a limited duration to perform specified inspections, or other "special projects" as directed by the Central Staff.
2. Ad hoc inspections / projects. "Ad hoc inspection" means an inspection or project that occurs on an as-needed basis.

3. Recurring inspection. "Recurring inspection" means an inspection that occurs on a systematic, routine basis.

#### **IV. PROCEDURE**

##### **1. RECURRING AND AD HOC INSPECTIONS**

There are two distinct inspection processes that are integral components of a successful inspection program. These processes are (1) recurring inspections and (2) ad hoc inspections.

###### **A. Recurring Inspections**

1. Recurring inspections are "systematic" inspections that will occur on a routine basis. These inspections will start with the first line supervisor, proceed through the appropriate Unit Commander, and culminate with "Action Teams" and subsequent Central Command Staff review.
2. All inspection activities are intended to provide a mechanism for the Central Command Staff to obtain vital feedback information from throughout the bureau. This process is intended to assist the Central Command Staff in the planning, decision-making, resource allocation, and program development for future bureau responsibilities.
3. Each Troop, Unit, and Facility shall be inspected at least once every two-years.
4. Every Section/Unit shall be inspected in January and July. The monthly inspection shall begin at the first line supervisor level and be completed with the Unit Commander's review, action, and sign off process (see Appendix A).
5. Staff inspections are to be conducted openly and with the full knowledge and cooperation of everyone involved.

###### **B. Ad Hoc Inspections**

1. As operational need dictates, the Central Command Staff, at its discretion, may assign the Inspections/Projects Lieutenant to conduct ad hoc inspections.
2. Ad hoc inspections may incorporate the concept of the "Action Team" process, as needed. Action Teams may be comprised of subject matter experts in order to complete ad hoc inspections.
3. Ad hoc inspection teams must submit a final report in writing (see Appendix B) to the Central Command Staff within the time constraints assigned. If requested to do so, the team leader may need to present reports in person to the Central Command Staff.

###### **C. Department Wide Inspections**

1. Department wide inspections of personnel and equipment will occur at intervals as determined by the Central Command Staff. All personnel are required to attend, unless the unit Commander had given prior approval for time off.
2. Department wide inspections will be based on the Central Command Staff schedule and take place in the fall of the year. All Commanders will be notified of the type of inspection by the end of May.
3. The Central Command Staff can request Division Inspections, combined Troop Inspections, or individual Troop Inspections.
  - a. Division Inspections - One Commanding Officer will be designated as the leader of the inspection in preparation for the Command Staff.
  - b. Combined Troop Inspections - Commanding Officers will work simultaneously in preparation for the Command Staff.
  - c. Troop Inspections - The assigned Commander will be in charge of all preparation for the Command Staff.

##### **2. RESPONSIBILITIES**

###### **A. INSPECTIONAL SERVICES COMMANDERS**

Each Inspection Unit Commander shall:

1. Assist in the selection of personnel to be assigned to Action Teams;
2. Provide orientation on the scope and expectations of Action Team responsibilities;
3. Offer resources, as needed, and operational support to Action Team activities;
4. Ensure that all Action Team activities are on task and meet timelines;
5. Provide training and materials needed to Troop/Unit Commanders.

**B. FIRST LINE SUPERVISORS**

First line supervisors shall:

1. Conduct the bi-annual inspections process, either through individual contact, section meeting, or other means, as appropriate. All items outlined in Appendix A shall be inspected, and any deficiencies shall be documented and corrected, and then the documentation shall be forwarded to the Unit Commander. The Unit Commander will follow up by email all deficiencies dates and times of the corrected issues;
2. Submit, by the first of February and the first of August, the completed Inspections and Standards form (see Appendix A) to the Troop Commander for review. The "Maine State Police Standards Manual" (see Appendix B) is provided as a reference guide to assist the First Line supervisors in completing this task. All applicable items in Appendix A shall be reviewed, inspected, and accounted for. All deficiencies shall be documented and initialed by the First Line officer and the supervisor. If remedies have been made prior to submitting the report to the Unit Commander, then those remedies shall be duly noted.

**C. SPECIALTY UNITS**

The Specialty Unit Commanders shall:

1. Conduct at least bi-annual inspections of all members of their specialty unit, ideally through training exercises or other means as appropriate. Unit Commanders shall maintain a roster of issued equipment of all specialty unit members and assure that all equipment is accounted for and properly maintained. Any deficiencies shall be documented and the documentation shall be forwarded to the appropriate Lieutenant or Major providing oversight to the specialty unit.
2. Documentation of any deficiencies or needs or other issues should be submitted at least by the first of February and the first of August or upon immediate need. All deficiencies shall be documented by the Unit Commander or his/her designee and forwarded to the appropriate Lieutenant or Major. If remedies have been made prior to submitting the report to the appropriate Lieutenant or Major, then those remedies shall be duly noted.

**D. TROOP/UNIT COMMANDERS**

The Troop/Unit Commanders shall:

1. Review and complete, by the first of March and first of September the "Standards and Inspections Form" (see Appendix A);
2. Document actions taken to remedy any deficiencies brought to their attention in the biannual inspection reports;
3. Maintain local files both electronically and in hard copy, as directed by the Inspection Unit Commander, for a period of not less than two (2) years;
4. Ensure overall compliance with this General Order by those under their supervision;
5. Ensure that evidence storage is occurring in accordance with applicable bureau policies;
6. Ensure that the Troop's office and grounds are maintained in a neat, safe, and

secure manner.

E. ACTION TEAM

Each Action Team shall:

1. As directed by the Central Command Staff, inspect each Troop or Unit assigned to the team. There may be more than one Action Team inspection in progress in order to divide the assignment load as appropriate. An Action Team may inspect one or several Troop Units. The duration of each Action Team's tenure shall be limited to the scope of its designated inspection responsibilities or to the scope of its special assignment;
2. Within thirty (30) days of an inspection, submit a report to the Inspection Unit Commander for review. The timelines placed on Action Teams that have been tasked with a special project shall be adhered to as assigned. Upon a request by the Central Command Staff, an Action Team leader may be required to deliver their findings in person to the Central Command Staff;
3. Be provided with the appropriate training, materials, goals, objectives, and timelines for its assignment. This information will be provided by the Inspection Services Unit Commander prior to the commencement of each team's assignment.

**ATTACHMENTS**

- [Maine State Police Standards Manual](#)
- [Maine State Police Action Team Inspection Guide](#)
- [Sergeant's Biannual Standards and Inspection Form](#)

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# MAINE STATE POLICE



# STANDARDS MANUAL

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STATE OF MAINE  
Department of Public Safety  
Maine State Police  
42 State House Station  
Augusta, Maine  
04333-0042

PAUL LEPAGE  
GOVERNOR  
JOHN MORRIS  
COMMISSIONER

COL ROBERT A WILLIAMS  
CHIEF  
LT COL RAYMOND BESSETTE  
DEPUTY CHIEF

**To All;**

**One of the most significant challenges of being Chief of the Maine State Police is assuring that our personnel, equipment, facilities, and procedures are of quality and consistency throughout the organization. Due to the fact that our personnel are geographically disbursed across our entire State, this endeavor is consequently no small undertaking.**

**This manual is merely one component of a larger process, which has been specifically designed to address uniformity, quality, and consistency throughout our organization. This manual should never be considered to be a “final product”; it should more accurately be viewed as a “living document.” As a “living document” it must remain dynamic in order to accommodate our growth and needs as an agency.**

**Use the following guidelines as a gauge when assuring our Core Value of “EXCELLENCE” is achieved by not taking the simplest of things for granted. Attention to detail is a quality, which makes us one of the finest law enforcement agencies anywhere. We should never assume that the simplest of things will take care of themselves, and be mindful that a team effort is what it will take to maintain the quality for which we strive.**

**Sincerely,**

**Col. Robert A. Williams  
Chief, Maine State Police**

The following information correlates to “Appendix – A” in General Order #####. This information is provided as a guideline in determining what is (x) = Satisfactory, or (o) = Deficient when conducting monthly inspections.

**SECTION I – Personnel**

<b>Item #</b>	<b>Item Description</b>	<b>Standard</b>
10	Uniforms	First line supervisors shall assure that all personnel assigned to their section have the appropriate number of uniforms, the uniforms are in serviceable condition (e.g. no tears, significant fading, fit appropriately). Uniforms shall be clean, pressed, and be worn in accordance with <u>G.O. 26G</u>
15	Uniform Accessories	All uniform accessories shall be serviceable, and worn in accordance with <u>G.O. 26G</u>
20	Stetson(s)	Both Stetson’s (summer & winter) shall be serviceable and worn in accordance with <u>G.O. 26G</u>
25	Gun/Duty Belt	Gun/Duty belt shall be serviceable and free from defects. It shall be worn and maintained in accordance with <u>G.O. 26G</u>
30	Gun/Duty Belt Accessories	All gun/duty belt accessories shall be serviceable and free from defects. Accessories shall be worn and maintained in accordance with <u>G.O. 26G</u>
35	Footwear	Footwear shall be clean, polished, and not have signs of excessive wear. Soles shall be cleaned and dressed appropriately. Footwear shall be worn and maintained in accordance with <u>G.O. 26G</u>
40	Handcuffs	Handcuffs shall be serviceable, and free from rust. Handcuffs shall function smoothly, and not be impeded by rust or basic uncleanness. All handcuffs shall be department issue.
45	ASP	ASP shall be serviceable, must be worn at all times, and in accordance with <u>G.O. 1E-1</u> . (e.g. “officers trained, & only those officers trained, must wear the ASP on their duty belt at all times”).
50	Portable Radio	Portable radio shall be serviceable and ready for use. Channels 1-6 shall remain programmed with department standardized channels.
55	Flashlight & Charger	Both flashlight & charger shall be serviceable and ready for use.
60	Cap Stun	Cap Stun shall be serviceable, worn on the duty belt at all times in accordance with <u>G.O. 1E</u> (e.g. “non-gun / weak hand side / non uniformed personnel may have it in their vehicle, but it must be readily available.”).
65	Rainwear	Rainwear must be department issue, serviceable, and available.

Item #	Item Description	Standard
70	Traffic Vest	Traffic vest must be department issue, serviceable, and available. The reflective portion of the vest must be free of any debris which will significantly impede its reflective characteristics (e.g. grease, dirt, or excessive wear).
75	Gortex Jacket	Gortex Jacket shall be clean and free from excessive wear. Only a department issued jacket is permissible. It shall be worn and maintained in accordance with <u>G.O. 26G</u>
80	Parka	The winter parka shall be clean and free from excessive wear. Only a department issued jacket is permissible. It shall be worn and maintained in accordance with <u>G.O. 26G</u>
85	Ballistic Vest	The ballistic vest, if not being worn, shall be readily available to the officer while on duty. It will be worn and maintained in accordance with <u>G.O. 41J</u>
90	BDU / Coveralls	BDU / Coveralls shall be worn and/or maintained in accordance with <u>G.O. 26G</u>
95	Search Gloves	Serviceable and free of tears and/or excessive wear.
100	Winter Gloves	Must be department issued, serviceable, and free from excessive wear.
105	Side Arm	The side arm shall be maintained and inspected in accordance with G.O. 1F. (e.g. cleaned and lubricated, appropriate amount of ammunition, readily available)
110	Grooming	Grooming shall be in accordance with the standards set forth in <u>G.O. 26G</u>
115	Pager	Functioning properly and in general working order.

## SECTION II – Vehicle Inspection

Item #	Item Description	Standard
200	Radio	Functioning properly and in general working order.
205	Siren	Functioning properly and in general working order.
210	Lights & Controls	Functioning properly and in general working order. Light lenses are clear and unobstructed.
215	Radar	Functioning properly and in general working order. Certified & tuning forks are present.

<b>Item #</b>	<b>Item Description</b>	<b>Standard</b>
220	MDT	Functioning properly and in general working order.
225	Printer	Functioning properly and in general working order.
230	Video Recorder	Functioning properly and in general working order. Malfunctions shall be reported in accordance with G.O. #####
235	Audio Recorder	Functioning properly and in general working order.
240	Camera(s) digital / 35mm	Functioning properly and in general working order.
245	Riot Bag	In the trunk and accessible. All contents (e.g. riot helmet, BDU's, etc.) are accounted for.
250	Riot Baton	Present, accounted for, and serviceable.
255	Gas Mask	Present, accounted for, and serviceable.
260	P.P.E.	Present, accounted for, and serviceable.
265	Transport Hood	Present, accounted for, and serviceable.
270	Spike Mats	Present, accounted for, and serviceable.
275	Fire Extinguisher	Present, accounted for, and serviceable. Charge needle indicator is in the green area.
280	First Aid Kit	Present, accounted for, and serviceable.
285	Quick Cones / Flares	Present, accounted for, and serviceable.
290	Tape Measure	Present, accounted for, and serviceable.
295	Supplemental Weapon	The supplemental weapon shall be maintained and inspected in accordance with G.O. 1F. (e.g. cleaned and lubricated, appropriate amount of ammunition, readily available)
300	Extra Ammo	Available for use, and shall not be dated prior to the last requalification date.
305	Vehicle Condition	Overall appearance (e.g. cleanliness, order of contents, no unapproved decals, etc.).
310	Unauthorized Unapproved equipment	The original vehicle equipment (e.g., lights, stereo, switches, etc.) are unaltered from their original installation. The vehicle does not have any unapproved modifications.

**SECTION III – Resource Inspection**

<b>Item #</b>	<b>Item Description</b>	<b>Standard</b>
400	Warning Cards	Present and available for use. Adequate supply.
405	Defect Cards	Present and available for use. Adequate supply.
410	VSACS	Present and available for use. Adequate supply.
415	USAC	Present and available for use. Adequate supply.
420	Inspection Manual	Present and available for use. Adequate supply.
425	Duty to Submit Forms	Present and available for use. Adequate supply.
430	10 Codes	Present and available for use.
435	10-59 Tags	Present and available for use. Adequate supply.
440	Domestic Violence Forms	Present and available for use. Adequate supply.
445	Miranda Card	Present and available for use.

**SECTION IV – Major Crimes Unit**

<b>Item #</b>	<b>Item Description</b>	<b>Standard</b>
450	SUIDI Forms	Present and available for use. Adequate supply.
455	Consent to Search Forms	Present and available for use. Adequate supply.
460	Written Statement	Present and available for use. Adequate supply.
465	Property Receipts	Present and available for use. Adequate supply.
470	REECE Questionnaire Forms	Present and available for use. Adequate supply.
475	Evidence Bags	Present and available for use. Adequate supply.
480	Evidence Tape	Present and available for use. Adequate supply.
485	Latex Gloves	Present and available for use. Adequate supply.
490	Shoe Covers	Present and available for use. Adequate supply.
495	Known DNA Kit (Bucchal)	Present and available for use. Adequate supply.
500	Rape Kit	Present and available for use. Adequate supply.
505	Blood Kit	Present and available for use. Adequate supply.
510	Suspect Kit	Present and available for use. Adequate supply.

**SECTION V – Facilities / Troop Inspection (Field Lieutenant Responsibilities)**

<b>Item Description</b>	<b>Standard</b>
<b>Facility Maintenance</b>	<b>Facility is clean, neat, and in overall excellent organizational order. Facility grounds are well kept, and in overall excellent inspectable condition.</b>
<b>Evidence Lockers</b>	<b>Evidence lockers are in excellent organizational order. Security measures are in place, evidence log current, and in compliance with G.O. #####</b>
<b>Contracts</b>	<b>All contracts (e.g. janitorial services, snow removal, lawn mowing, etc.) are current and available for review.</b>
<b>Barracks Supplies</b>	<b>Barracks supplies are available/accessible, neat/orderly, and in adequate quantity.</b>
<b>Building Security</b>	<b>All doors, windows, key locks and/or combination locks are functioning properly.</b>
<b>Troop Reports</b>	<b>Troop reports, upon random sampling/audit, shall be timely, complete, and in overall compliance with directive/G.O.</b>
<b>In-Service Training</b>	<b>All in-service training records shall be current.</b>
<b>Performance Appraisals</b>	<b>All troop performance appraisals shall be current.</b>

Maine State Police  
Action Team  
Inspection Guide

## INTRODUCTION:

First of all, let me start by introducing you to the “Inspections” process for the Maine State Police. Being a geographically disbursed department, it is imperative that we implement a system to assure/measure standards and proficiency throughout our organization. This is the basic principle of the inspections process. You have been selected as a team of “peer” evaluators to facilitate the “Field Inspections” portion of this process. The “Peer” evaluation method was specifically for the collateral benefits of the action team members bringing that experience back to their regularly assigned work units. This process is not disciplinary. It is, however, the mechanism we will utilize to improve consistency and quality assurance throughout our organization. All inspections will be announced well in advance, as compliance is the ultimate goal.

In the following pages of this document you will receive a general outline as to how you should proceed with your inspectional responsibilities. As an agency we need to assure that this process is carried out as consistently as possible from one location to another. This will however, be a “guideline” and each team will obviously have some latitude in interpreting their findings within each of the categories related to the inspections process. At the conclusion of your assignment, you will submit a written copy of your final report to the Central Staff for review. You may also be asked to present these findings verbally as well. It will be the results of these inspectional services, which will provide guidance and quantitative data that we (the Central Staff) will utilize when making long term strategic plans for our Department.

During your inspectional activities, if recommendations and/or action to correct deficiencies can take place prior to the conclusion of the site/troop inspection, that too should also be a positive part of this process. Again, we’re not trying to merely identify deficiencies; it’s to foster compliance throughout the organization. Your timelines and work efforts will be coordinated/supported by the Lieutenant in charge of “Inspectional Services” for our department. Should you have any questions or concerns as you proceed with your assignment, the chain of command will pass through that position, and then on to the Central Staff if necessary.

In closing, thank you for your dedication and hard work regarding this vital process, which is focused on assuring we maintain the highest standards and quality service.

Sincerely,

Col. Robert A. Williams  
Chief, Maine State Police

## (Phase I) – Getting Started

I. Team Introduction: After the first team meeting and introduction to the inspections process, the “Team Leader” will make contact with the Troop/Unit Commanding officer of the Troop/Unit assigned for inspection in order to;

- Inform the Troop/Unit commander of the pending inspection, and to advise the Troop/Unit commander of who the inspection team is comprised of.
- Review the scope of what will be inspected;
  - a. Facilities
  - b. Reports
  - c. Fleet

**(Each of these three categories will be expounded upon in subsequent phases of this report.)**

- Answer any questions.

II. Team Assignments: At the discretion of the team leader, team assignments and timelines should be assigned after speaking with the Troop/Unit Commander. It is not mandatory that all team efforts be done in unison. Depending upon the logistics, it may be more prudent to assign team members task, which can be done concurrently during the information gathering portion of this process. This approach may expedite timelines, however each team leader has the latitude to determine which approach will work best for their needs.

III. Documentation: It is imperative that the findings of each phase of the inspections process be documented accordingly. Anecdotal findings shall be avoided, and only findings of fact shall be collected for subsequent review/comment. All documentation collected as part of this process shall be kept in a separate file; copies shall not be made, and the originals must be submitted concurrently (not part of) with the final report.

## (Phase II) – Facilities Report

I. Overview: The Facilities inspection will require the team to be “on-site” to complete. This may also be done in conjunction with the Central Staff Inspections, and may be coordinated in a manner that does not distract from that process. Vehicle inspections may also be done parallel to this process as well.

II. Focus: This will be a comprehensive review of the following points of key interest;

- Security:
  - a. Windows
  - b. Doors
  - c. Accessibility (key locks, combinations, etc.)
  - d. Interior security (evidence locker access, riot gear storage, etc.)
  - e. Alarm systems?
  - f. Backup power (generator)
  - g. Fire extinguishers

- General

Facility Interior

- a. Floors
- b. Walls
- c. Lighting
- d. Restrooms
- e. Windows
- f. Office furniture
- g. Overall facility condition

Facility Exterior

- a) Grounds
- b) Building (e.g., paint, roof, etc)
- c) Flags / Flagpole
- d) Signs
- e) Lighting

- Maintenance Contracts
  - a) Do they exist
  - b) Are they current
- Supplies
  - a) Sufficient
  - b) Accessible
- Files
  - a) Organized
  - b) Current
  - c) Secure

## (Phase III) – Reports

- I. Overview: The review of reports is a high priority within the inspections process. Quality assurance and/or compliance has a direct impact upon our efficiency as an agency. Review in the area, although time consuming, will play an important role in determining future training and strategic planning needs. Efforts in this area shall be coordinated through the Lieutenant in charge of the records division.
- II. Focus: There will be three (3) areas of primary concern regarding the review of “reports.” The areas of review shall focus on the following;
  - RMS (random sampling of 100 reports for a 1 year period prior to the inspection). Some key points of interest in the review shall be;
    - Completeness
    - Grammar (cursory overview and impressions)
    - Timeliness (time the incident was initiated, to the time the report was submitted)
    - Coding (are reports being coded appropriately)
      - Closure codes
      - NIBRS
  - MCRS (random sampling of 100 reports for a 1 year period prior to the inspection). Some key points of interest in the review shall be;
    - Completeness
    - Grammar (cursory overview and impressions)
    - Timeliness (time the incident was initiated, to the time the report was submitted)
    - Coding (are reports being coded appropriately)
  - Bi-annual Inspection Reports (a comprehensive review of the monthly inspection reports on file at each work unit).
    - Hard copy files available upon request?
    - Current (are reports current and up to date)
    - Documentation
    - Deficiencies
      - Follow through, actions taken
      - If recurrences are observed, is it do to;
        - Financial reasons
        - Training
        - Availability of replacement resources (e.g., equipment, supply, etc.)

**(Phase IV) – Fleet  
(Vehicle Inspection)**

- I. Overview: The purpose of “Fleet”, or “vehicle inspections” is to assure a minimal level of readiness with one of our most utilized assets.
- III. Focus: This inspectional process will focus not just on the condition of the vehicle itself, but the systems and equipment contained within each vehicle as well. This process may be conducted at the same time as the Central Staff’s annual inspection. If this is not possible due to time constraints, it may have to be coordinated at the section level. The areas of review shall focus on the following;
- Exterior
    - Neat/clean/no unauthorized attachments or stickers
    - Lights (standard, and emergency)
    - Siren
    - Tires
    - Body work (dents or reportable damage)
    - Tires
    - Overall appearance
  
  - Interior
    - MDT (in place and functional)
    - Video system (in place and functional)
    - Police radio
    - Overall neatness and organization
    - All other electrical (e.g., cell phone, CB, any unauthorized installations)
  
  - Trunk
    - Riot bag
      - Gas mask
      - Baton
      - Riot helmet
      - BDU’s
      - First aid kit
      - Extra ammunition
    - Spikes
    - Hazmat/protective gear
    - Fire extinguisher
    - Supplemental weapon
    - Overall neatness and organization

# (Phase V) – Final Report



Action Team: Inspections Report for  
Troop/Unit ??????

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## Inspections Report sample

Team Members:

Lt. ?????? (Team Leader)

Sgt. ???????

Det. ???????

Tpr. ???????

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Month – Year

# FINAL REPORT & RECOMMENDATIONS

## INTRODUCTION/OPENING REMARKS

**Relevant Documentation**  
(Enclosures)

## **Findings: (Phase II) Facilities Inspection**

**Findings: (Phase III) – Report Inspections/Review**

**Findings: (Phase IV ) – Fleet / Vehicle Inspections**

**Findings: (Phase III) – Report Inspections/Review**

**SUMMARY / FINAL RECOMMENDATIONS**

## SERGEANT'S BI-ANNUAL STANDARDS & INSPECTION FORM

MONTH: \_\_\_\_\_ TROOP: \_\_\_\_\_  
 SERGEANT: \_\_\_\_\_ SECTION #: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

PERSONNEL INSPECTION	VEHICLE INSPECTION
OFFICER NAME	OFFICER NAME
Uniforms	Radio
Uniform Accessories	Siren
Stetson	Lights & Controls
Gun Belt	Radar
Gun Belt Accessories	MDT
Footwear	Printer
Handcuffs	Video Recording
ASP	Digital Recording
Portable Radio	Digital Camera(s)
Flashlight & Chargers	Riot Bag
Cap Stun	Riot Baton
Rainwear	Milential Mask & filter(s)
Traffic Vest	N95 Respirator(s)
Gortex Jacket	P.P.E. (ECP and Haz Mat)
Parka	Transport Hood
Ballistic Vest	Spike Mats
BDU	Fire Extinguisher
Search Gloves	First Aid Kit
Winter Gloves	Quick Cones / Flares
Side Arm	Tape Measure
Grooming	Supplemental Weapon
Cellphone	Extra Ammo/Specified Amount
	Vehicle Condition

RESOURCE INSPECTION	MAJOR CRIMES UNIT
OFFICER NAME	OFFICER NAME
Warnings Cards	SUIDI Form
Defects Cards	Consent to Search Form
VSACs	Written Statements
USACs	Property Receipts
10 Codes	REECE Questionnaire Forms
10-59 Tags	Evidence Bags
Domestic Violence Forms	Evidence Tape
Miranda Card	Latex Gloves
	Shoe Covers
	Known DNA Kit (Bucchal)
	Rape Kit
	Blood Kit
	Suspect Kit

COMMANDING OFFICER

NAME: (Printed/Typed) \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

X = Satisfactory  
 O = Deficient  
 Comments, where applicable, are to be noted on back of sheets and identified by category numbers.



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

[Home](#) |Search Orders: **SUBJECT:** MAINE STATE POLICE INCIDENT MANAGEMENT ASSISTANCE TEAM | **NUMBER:** E-97**EFFECTIVE DATE:** [12.11.2015](#) | **RECENT HISTORY:** AMENDED ([12.11.2015](#)); AMENDMENT ([02.10.2015](#)); AMENDED ([09.18.2014](#)); NEW**DISTRIBUTION CODE:** 2**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Incident Management Assistance Team ("Team").

### II. POLICY

1. The Maine State Police believes that the successful outcome and effective management of any incident is largely dependent upon interagency cooperation and appropriately trained and equipped personnel. The policy of this Bureau is to provide a team of trained personnel and associated technical resources to support an Incident Commander at the scene of incidents. The formation and training of the Incident Management Assistance Team is directed toward that end.

*NOTE: Participation on a Maine State Police specialty team is contingent upon a team members' satisfactory performance in their primary duty assignment. Participation on a specialty team is a privilege, not a right, and by accepting an assignment to a specialty team, a member of the Maine State Police waives any and all future claim of right to any benefit conferred upon the member by virtue of his or her participation on the team.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Command post. "Command post" means the location from which planning and operational decisions are made regarding the management of, e.g., an incident or a high-risk incident.
  - B. Incident. "Incident" means a major event that is significant due to its size, nature, complexity, anticipated duration, or large number of persons or emergency responders that are present at the event. An incident may involve one or more additional specialty teams or agencies, be planned or unplanned, and may involve the dedication of significant assets, resources, or the staging and/or deployment of more than six officers or one or more specialty teams.
  - C. Incident Commander. "Incident Commander" means the person responsible for the management of, e.g., an incident or a high-risk incident.

### IV. PROCEDURE

1. TEAM DUTIES
  - A. The Team shall respond to incidents when directed to do so by the Team

Commander, after he or she has determined the request is appropriate.

- B. The Team shall assist an Incident Commander by helping to manage incident command structure, a command and control platform, communications capabilities, and other technical resources, as necessary, as well as by providing technical resources, including, but not limited to, resource procurement and tracking, tactical mapping, serving as a liaison with federal and state agencies as needed, operational planning, and logistical support.
- C. The Team Commander shall assign and direct Team personnel and resources at incidents, as needed.
- D. Team activities at an incident shall be conducted in accordance with guidelines and training authorized by the Team Commander.
- E. The Team may not take over operational or Incident Commander duties unless such duties are ceded to the Team or exigent circumstances exist requiring that the Team take over such duties.

NOTE: For the purposes of this General Order, if the Team Commander is unable to exercise any authority vested by this order in the Team Commander due, e.g., to absence or the inability to respond to the scene of an incident, then such authority vests in the Assistant Commander. If the Assistant Commander is unable to exercise such authority, then such authority vests with the Team Commander's designee.

## 2. TEAM STRUCTURE

- A. The Colonel of the Maine State Police shall designate a Team Commander.
- B. The Team Commander may designate an Assistant Commander.
- C. The Team shall be comprised of a sufficient number of members and communications personnel, as approved by the Colonel to be appropriate.

## 3. TEAM COMMANDER RESPONSIBILITIES

- A. The Team Commander must create a summary of each deployment within ten days after each Team response, and provide a copy to the Special Services Lieutenant upon request.
  - 1. The summary must include the following:
    - a. The bureau incident number assigned to the incident, as well as the date, time, location, and duration of the incident;
    - b. The bureau unit or agency that requested the Team activation;
    - c. A synopsis of the incident;
    - d. The names of the Team members who responded to the incident; and
    - e. Recommendations derived from post-incident critique and debriefing regarding the incident
  - 2. The Team Commander shall maintain a file of incident summary reports as a resource for:
    - a. Assessment of Team staffing and geographic deployment;
    - b. Assessment of Team training needs; and
    - c. Development of training scenarios for Team and other bureau in-service training.

## 4. TEAM MEMBERSHIP

### A. SELECTION

- 1. When a vacancy on the Team exists, the Special Services Lieutenant, or his or her designee, shall notify all sworn Maine State Police officers of the opening.
  - a. An officer interested in joining the Team shall forward a written request through the officer's commanding officer to the Special Services Lieutenant, or his or her designee. The officer's commanding officer shall forward with the written request a recommendation and copies of the officer's performance evaluations for the most recent rating period.

2. Consideration in the final selection to the Team shall be based on:
    - a. A candidate's time in service and/or related experience;
      - (1) A candidate must have completed one year of service from graduation of the Recruit Training Troop. Exceptions will be handled on a case-by-case basis for new members that were certified as a law enforcement officer and were, or are currently certified in, or assigned to a related law enforcement specialty;
    - b. Having met or exceeded expectations on the most recent performance evaluation;
    - c. A willingness to make a minimum commitment of three (3) years to the Team;
    - d. The recommendation of the commanding officer of a candidate;
    - e. The geographic location of the candidate's residence;
    - f. The operational needs of the Maine State Police; and
    - g. The approval of the Special Services Major.
  3. Each interested officer must successfully complete the following:
    - a. Any additional skills testing, interviews, or evaluations specified by the Special Services Lieutenant, or his or her designee.
  4. Any officer selected to join the Team shall be a probationary member of the Team for one (1) year. At the end of the period, the Team Commander shall make a recommendation to the Special Services Lieutenant as to whether the officer should become a permanent member of the Team. The Special Services Lieutenant, under the direction of the Special Services Major, shall determine whether the officer will become a permanent member of the Team based on the Team Commander's recommendation and any other information the Special Services Lieutenant thinks relevant to the determination.
5. RETENTION OF TEAM MEMBERSHIP
- A. A Team member must:
    1. Have had an overall 'meets' or 'exceeds' rating in the member's two most recent performance evaluations;
    2. Be able to communicate effectively;
    3. Be willing to work as a member of a Team;
    4. Be willing and satisfactorily able to work under stressful conditions;
    5. Be willing to participate in training programs, as directed by the Team Commander; and
    6. Be proficient with Team equipment and software.
  - B. The Team Commander may remove a member of the Team when the member fails to meet the requirements under paragraph (A), or for any reason that renders the member incapable of performing Team functions.
6. TEAM TRAINING
- A. Team members shall receive initial training as directed by the Team Commander.
  - B. The Team Commander shall determine the scope and course content of in-service training.
  - C. Team members shall attend all required training sessions, unless excused by the Team Commander.
  - D. Required annual training shall consist of a minimum of eight training days per year, including two three (3) day training sessions, and at least two (2) other single training days, as determined by the Team Commander. The Team shall train with the Maine State Police specialty teams and other federal, state, county, and municipal agencies to promote coordination, cooperation, capabilities, and

techniques.

E. The Team Commander shall maintain a training file for each Team member.

#### 7. TEAM EQUIPMENT

A. The Team Commander shall endeavor to ensure that the Team has the necessary equipment to effectively and efficiently respond to incidents.

#### 8. TEAM ACTIVATION

A. Requests from within the bureau for Team activation

1. A commissioned officer of the Maine State Police may request activation of the Team for an incident. Either the Troop Commander whose Troop has jurisdiction over the incident or Maine State Police Officer of the Day shall be immediately advised that the request has been made.
2. All requests for Team activation or Team resources shall be directed to the Team Commander.
3. The Team may respond to such requests, as approved by the Team Commander.

B. Requests from other agencies for Team activation

1. The Team may respond to assist other agencies at incidents, as approved by the Team Commander.
2. Requests for Team assistance must be made by the person in charge of the federal, state, county, or municipal agency that has management authority over the incident to which the Team is being requested to respond.
  - a. When the Team is committed to assist another agency, the Team Commander shall direct and coordinate the efforts of the Team. Team members shall only take orders and direction from the Team Commander or from a member of the Maine State Police Command Staff.

C. Requests for Team activation may be made through the RCC.

1. If, after receiving notice from the RCC that the activation of the Team has been requested, the Team Commander decides to commit the Team, the Team Commander shall request that the RCC notify the Team members and advise the Majors, the Special Services Lieutenant, the Officer of the Day, the Troop Commander of the Troop in which the incident is located, and the bureau Chaplain.
2. The Team Commander shall ensure that each RCC has a Team roster that is current.
3. Upon arrival at the scene, the Team member(s) shall report to the Team Commander.

#### 9. TEAM DEACTIVATION

A. At the conclusion of a deployment, Team members:

1. Shall meet promptly to critique the Team's participation in the incident;
2. Shall *not* be assigned post-incident duties such as scene protection, scene processing, or interviewing, unless first released from Team responsibilities; and
3. Shall assist in expediting the process of securing and departing from the scene of an incident.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED**

**TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE CRASH RECONSTRUCTION PROGRAM | **NUMBER:** E-101

**EFFECTIVE DATE:** 04.03.2015 | **RECENT HISTORY:** REVISED (04.03.2015); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT ( 06.04.2009); FORMERLY POLICY NO. 98

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Crash Reconstruction Program within the Traffic Division.

### II. POLICY

1. The policy of the Maine State Police is to have a Crash Reconstruction Program that has uniform standards and guidelines for crash reconstructionists to follow when reconstructing crashes.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

### IV. PROCEDURE

1. CRASH RECONSTRUCTION PROGRAM ESTABLISHED
  - A. The Crash Reconstruction Program is established within the Maine State Police Traffic Division and under the command of the Traffic Division Lieutenant.
  - B. The Senior Crash Reconstruction Specialist (SCRS) reports directly to the Traffic Division Lieutenant.
  - C. The SCRS shall be responsible for:
    1. Approval of all reconstruction reports for completeness and technical accuracy;
    2. Maintaining control numbers and files for all Reconstruction Specialists;
    3. Maintaining activity records for all Reconstruction Specialists;
    4. Proficiency training, testing, evaluation, and certification of active Reconstruction Specialists;
    5. Assignments of reconstruction cases;
    6. Other functions as assigned by the Traffic Division Lieutenant.
  - D. In matters of reconstruction, Crash Reconstruction Specialists (CRS) shall report to the Senior Crash Reconstruction Specialist (SCRS). When possible, activities will be coordinated through the SCRS.

E. Crash Reconstruction Specialists shall be responsible for:

1. Maintaining all assigned reconstruction equipment;
2. Complete, thorough, and timely investigation of all cases;
3. Coverage of vehicle crashes in compliance with [Maine State Police General Order E-104](#);
4. Completion and submission of reports in compliance with this policy;
5. Thorough case preparation prior to any court action;
6. Maintaining annual certification and updating training when necessary;
7. Maintaining an overall "Acceptable" rating on the performance evaluation for this specialty.

2. RECONSTRUCTION ASSIGNMENTS

A. Responsibility for assignment of the CRS to scenes shall remain with the Troop Commander, or his or her designee, to which the CRS is assigned. The Troop Commander, or designee, may assign any motor vehicle crash event to be investigated by an CRS whenever deemed necessary.

1. At the Troop Commander's direction, schedules and shifts may be coordinated with adjacent Troops' Reconstructionists so as to provide for optimum availability in conjunction with routine incident demands.
2. When a request for a reconstruction is received, the Troop Commander, or his or her designee, shall assign an on-duty CRS if available.
3. If a crash has recently occurred and involves serious personal injury, fatality, or court action is anticipated, the Troop Commander, or his or her designee, may authorize and assign an off-duty CRS to investigate.
4. When practical, crashes involving a member of the Maine State Police shall be investigated by an officer of the next higher rank of the member in the crash; otherwise, the incident must be assigned to the nearest CRS.
  - a. Whenever there is a possibility of civil or criminal court action as a result of the incident, all investigators shall request the immediate assistance of the nearest CRS. Other members of the Maine State Police may be called upon as conditions warrant.
  - b. The SCRS shall be notified of crashes involving Maine State Police vehicles that result in serious personal injury or death to a member or another person, or when more than one reconstructionist may be needed at a scene.

3. PROCESSING AND RELEASE OF REPORTS

A. All reconstruction reports shall be completed on the proper forms.

B. All reconstruction cases shall be assigned a control number to be designated by the SCRS. That number, along with the Troop or Unit reference number, shall be placed on the report(s) prior to their submission.

1. Reconstruction control numbers must be maintained and issued through the Traffic Division.
2. Reconstruction control numbers shall be drawn by the CRS within two (2) business days after having been assigned a crash.
3. When calling for the control number, the CRS is to be prepared to supply the following information:
  - a. The name of complainant or department;
  - b. The type of crash (Property Damage, Personal Injury, or Fatal);
  - c. Troop or Unit reference number;
  - d. Reconstruction Specialist's name;
  - e. Date of the crash;

- f. Driver's name(s); and
        - g. Indication if the case is an incident report.
  - C. Reconstruction reports shall be completed in compliance with the requirements of this policy and submitted for approval to the SCRS within thirty (30) days following the date of the assignment.
    - 1. The report shall be submitted electronically to the crash reconstruction inbox ([crash.reconstruction@maine.gov](mailto:crash.reconstruction@maine.gov)).
  - D. Reports that are inadequate or inaccurate shall be returned to the author for correction.
    - 1. Such reports shall be corrected and returned to the SCRS within one (1) week.
  - E. Upon review and approval, the SCRS shall retain the original report at the Traffic Division and return the copy to the CRS.
    - 1. Upon return of an approved copy, the CRS shall forward a copy to the relevant Troop or Unit, investigating officer, and District Attorney (when required).
      - a. Reconstruction reports shall not be released to any person or agency until such report has been approved by the SCRS, and then only in accordance with applicable law, including, but not limited to, the [Intelligence and Investigative Record Information Act, 16 MRSA c. 9](#).
  - F. Reports on file that are in an "OPEN" or "PENDING COURT" status shall not be released to any unauthorized person without the prior consent of the author.
  - G. Reports that are "PENDING COURT" shall be monitored by the author and shall be closed within thirty (30) days of final disposition.
  - H. No specific findings or conclusions contained in any crash reconstruction report shall be released to the media or persons not involved in the investigation without prior approval from the Traffic Division Lieutenant.
- 4. CONTENT STANDARD
  - A. In many cases, reconstruction reports are used as the basis for court presentation and prosecution. Many others are used by insurance companies to settle claims. These reports are reviewed by many professions, and so it is imperative that all reports reflect positively on the reconstruction program and the Maine State Police. All reports must provide a clear, concise, accurate, and detailed description of the events.
- 5. GENERAL REPORT REQUIREMENTS AND ADDITIONAL INFORMATION
  - A. Reports shall be submitted to the SCRS electronically.
  - B. Reports shall be typed, except that math work and diagrams may be written neatly and attached.
  - C. Any additional information (crash report copies, witness statements, etc.) may be included with the reconstruction report.
    - 1. The CRS must be aware that complete copies are sent to parties indicated or requesting, unless the CRS indicates otherwise.
  - D. Questions regarding report content or reconstruction methods shall be directed to the SCRS when the report has not yet been approved. After approval, the CRS involved may answer such questions.
    - 1. General questions regarding a crash are to be referred to the primary investigator of the incident.
- 6. CRASH RECONSTRUCTION REPORT
  - A. FORMAT
    - 1. The Reconstruction Report shall be completed on the provided Collision Reconstruction Form and the Collision Reconstruction Face Sheet shall contain

the information stated in the following paragraphs 2, 3, and 4 of this subsection.

2. REFERENCE NUMBERS

- a. HR NO. – Enter the control number assigned by the SCRS.
- b. CASE NO. – In Maine State Police cases, indicate the incident base number assigned to the crash. If more than one incident base number is assigned, use the one assigned to the CRS. For other agencies, use the number assigned by that agency.

3. INVESTIGATORS

- a. RECONSTRUCTIONISTS – List the full name, rank, and the Troop or Unit of the CRS assigned.
- b. PRIMARY INVESTIGATOR – List the full name, rank, department, Troop or Unit (if applicable), mailing address, email address, and phone number of the primary investigator of the crash.

4. CRASH DATA

- a. DATE OCCURRED – Enter the date the crash occurred;
- b. TIME OCCURRED – Enter the time of the crash in military time format;
- c. DATE AND TIME REPORTED – Enter the date and time (in military time format) of the request for reconstruction;
- d. DATE AND TIME ARRIVED – Indicate the date and time (in military time format) the CRS arrived at the scene;
- e. ROUTE OR STREET – Enter route or street where the crash occurred;
- f. CITY OR TOWN – Enter the name of the city or town where the crash occurred;
- g. COUNTY – Enter the name of the county in which the crash occurred;
- h. TYPE – Enter the type of crash involved ("P.D." for Property Damage, "P.I." for Personal Injury, or "F" for Fatal);
- i. PHOTOS – Place an "X" in "Yes" or "No" to indicate if photos were taken of the crash;
- j. BY WHOM – If applicable, enter the name of the officer who took photos;
- k. TYPE(S) RECONSTRUCTION – List the types (i.e., minimum speed, critical speed, point of impact, or vehicle autopsy) of reconstruction done in the crash investigation;
- l. COURT ACTION CONTEMPLATED – Enter the name(s) of the person(s) against whom court action might be taken;
- m. CHARGE – List the charge(s) that are anticipated to be brought against the person(s);
- n. DATE – Enter the date the report is completed;
- o. CRASH RECONSTRUCTION SPECIALIST SIGNATURE – This is for the signature of the certified Crash Reconstruction Specialist (CRS);
- p. STATUS – Place an "X" in the appropriate box:
  - (1) "OPEN": Indicates that the reconstruction is not complete and further investigation or work is required, or that the case is awaiting Grand Jury action;
  - (2) "PENDING COURT": Indicates that charges have been filed, either by issuance of a summons or by indictment, and the case is awaiting court disposition;
  - (3) "CLOSED": Indicates that all aspects of the reconstruction and/or court action are completed and there will be no further action on the

case;

- s. APPROVED (SCRS) – This is for the initials of the Senior Crash Reconstruction Specialist.

(1) The report will also be stamped with an "Approved" stamp by the SCRS.

#### B. REPORT NARRATIVE

1. The Crash Reconstruction Progress Report shall be used to include all data that the Reconstructionist deems valid and necessary, and shall always include:

- a. Reference numbers;
- b. Status;
- c. A detailed description of persons involved, including injuries;
- d. A detailed description of vehicles involved, including, but not limited to, make, model, VIN, owner, inspection information (if obtainable), odometer reading (if obtainable), tire information, and crash damage.

(1) Photographs of each vehicle should be included;

- e. A detailed description of how the crash occurred, indicating the paths of approach, impact, and final rest.

(1) Photographs of important crash evidence -- such as area of impact, final rest of units, tire marks, gouges, etc. -- should be attached in narrative.

- f. A detailed description on the type(s) of reconstruction done on the crash.

- i. This shall include tire marks, measurements, test of road surface, etc.;

- g. Any and all math work (handwritten work is acceptable);

- h. Opinions and conclusions of the Reconstructionist as to the cause, as well as all findings;

- i. Recommendations of the Reconstructionist(s) as to the status of the investigation;

- j. In closing a report that relates to a case that had been pending court action and has a court disposition, the report author shall include relevant dispositional information in the report, including, but not limited to, the case disposition, the date of the disposition, the sentence(s) imposed (if any), and the name of the court having jurisdiction over the case.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE PIPE & DRUM UNIT | **NUMBER:** E-102

**EFFECTIVE DATE:** 01.29.2016 | **RECENT HISTORY:** AMENDED (01.29.2016); NEW (12.12.2011)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Pipe and Drum Unit, outline the member selection process, and establish practice and performance parameters.

### II. POLICY

1. The policy of the Maine State Police is to establish, maintain and support a competently trained Pipe and Drum Unit to represent the Maine State Police and all other law enforcement personnel at appropriate venues celebrating the profession of law enforcement, including, but not limited to, graduation ceremonies, memorial services, and appropriately approved parades and civic events.

*NOTE: Participation on a Maine State Police specialty team is contingent upon team members' satisfactory performance in their primary duty assignment. Participation on a specialty team is a privilege, not a right, and by accepting an assignment to a specialty team, a member of the bureau waives any and all future claim of right to any benefit conferred upon the member by virtue of his or her participation on the team.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Administrator. "Administrator" means the member of the Unit whose primary responsibilities include administrative duties, procurement of all State issued equipment and the communication and the coordination with the Special Services Lieutenant regarding practice and performance scheduling and execution.
  - B. Drummer. "Drummer" means a sworn or retired member of the Maine State Police whose primary instrument is the bass drum, tenor drum, or snare drum.
    1. *Exception: A civilian member of the Unit who is a member of the Unit on the effective date of this policy may be a drummer.*
  - C. Drum Sergeant. "Drum Sergeant" means the member of the Unit responsible for instruction and development of drummers. Coordinate with the Pipe Major and Administrator to integrate new musicians into the band setting.
  - D. Level I detail. "Level I detail" means an event at which all active and available

members of the Unit are expected to participate (for example, a line of duty death funeral detail).

- E. Level II detail. "Level II detail" means an event at which the Administrator, in consultation with the Pipe Major and Drum Sergeant, determines the appropriate complement of members of the Unit.
- F. Pipe Major. "Pipe Major" means the musical director of the Unit responsible for the instruction and development of pipers. Coordinate with the Drum Sergeant and Administrator to integrate new musicians into the band setting. With input from the Drum Sergeant and Administrator, determine the musical repertoire for the Unit.
- G. Piper. "Piper" means a sworn or retired member of the Maine State Police whose primary instrument is the Great Highland Bagpipe.
  - 1. *Exception: A civilian member of the Unit who is a member of the Unit on the effective date of this policy may be a piper.*
- H. Unit. "Unit" means the Maine State Police Pipe & Drum Unit.

#### IV. PROCEDURE

##### 1. UNIT STRUCTURE

- A. The Colonel of the Maine State Police shall designate a Pipe and Drum Unit Administrator. The Administrator is responsible for all administrative and operational needs of the Unit.
- B. The Unit shall be comprised of a sufficient number of pipers and drummers as determined by the Colonel to meet operational needs.

##### 2. UNIT MEMBERSHIP

- A. When a vacancy on the Unit exists, the Special Services Lieutenant, or his or her designee, shall notify all sworn Maine State Police officers of the opening.
  - 1. An officer interested in joining the Unit shall forward a written request through the officer's commanding officer to the Special Services Lieutenant, or his or her designee. The officer's commanding officer shall forward with the written request a recommendation and copies of the officer's performance evaluations for the most recent rating period.
  - 2. Consideration in the final selection to the Unit shall be based on:
    - a. A candidate's time in service and/or related experience;
      - 1. A candidate must have completed one year of service from graduation of the Recruit Training Troop. Exceptions will be handled on a case-by-case basis for new members that were certified as a law enforcement officer and were, or are currently certified in, or assigned to a related law enforcement specialty;
    - b. Having met or exceeded expectations on the most recent performance evaluation;
    - c. Successful completion of an oral board;
      - 1. Oral board members shall include the Special Services Lieutenant, the Pipe Major, Drum Sergeant, and Administrator;
    - d. The recommendation of the commanding officer of a candidate;
    - e. The geographic location of the candidate's residence;
    - f. The operational needs of the Maine State Police; and
    - g. The approval of the Special Services Major.

##### 3. UNIT MEMBER RETENTION REQUIREMENTS

- A. A Pipe and Drum Unit member is required to exhibit and maintain the following:
  - 1. Ability to maintain a professional appearance in uniform and demeanor at all Unit assignments;
  - 2. Ability to work cooperatively in a band environment;

3. Musical proficiency with a member's chosen instrument to the satisfaction of the Pipe Major, Drum Sergeant, and Administrator.
    - a. Proficiency applies to practice instruments as well.
  - B. Unit members shall attend all required training sessions and approved performances unless specifically excused by the Administrator, Pipe Major, and Drum Sergeant.
  - C. The Special Services Lieutenant, upon recommendation of the Administrator, may remove a member of the Unit when the member fails to meet the requirements under subsection A, or for any reason that renders the member incapable of performing Unit functions to the satisfaction of the Administrator, under advisement of the Pipe Major and Drum Sergeant. Members must always be aware of the high profile visibility that the Unit brings to the Maine State Police and recognize that repeated unavailability for performances has a detrimental effect on the overall competency and ability of the Unit to function cohesively.
4. UNIT EQUIPMENT
- A. Pipers
    1. Minimum practice equipment will be determined by the Pipe Major. A minimum list will include a practice chanter and required introductory instruction manual to be provided by the Maine State Police.
    2. Pipers must provide their own set of Highland Bagpipes.
  - B. Drummers
    1. Minimum practice equipment will be determined by the Drum Sergeant. A minimum list will include drum sticks for the respective chosen discipline, practice pad, and introductory instruction manual.
    2. The Maine State Police shall provide practice equipment as well as the bass drum and the amount of tenor and snare instruments determined to be needed to fulfill the mission of the Unit.
  - C. The Maine State Police shall provide the following uniform equipment for a Level I event:
    1. Kilt;
      - a. The tartan worn by the Unit will be the State of Maine Tartan;
    2. Fly plaid;
      - a. State of Maine tartan to be pinned with Maine State Police badge;
    3. Tunic;
      - a. The tunic shall be a modified Maine State Police dress blouse with Pipe and Drum Unit patch designation;
    4. Headwear:
      - a. The headwear will be the Glengarry style with Maine State Police badge in place of traditional clan crest;
    5. Belt;
      - a. Traditional 2" leather kilt belt;
    6. Sporrans with sporran strap;
      - a. Military style horsehair with kilt chain;
    7. Hose and flashes;
      - a. Lovat blue hose to be adorned with red flashes;
    8. Spats;
      - a. White military style
    9. Footwear;
      - a. To be provided by the member with approval of the Administrator, Pipe Major, and Drum Sergeant.

- D. The Maine State Police shall provide the following equipment for a Level II event:
  - 1. All uniform equipment for a Level I event shall be worn with exception of substituting a Class C short sleeve shirt with Pipe and Drum Unit patch designation in lieu of the tunic and fly plaid.
- E. All equipment shall be maintained in clean, serviceable condition. Any problem with issued equipment must be promptly reported to the Administrator.

#### 5. UNIT TRAINING

- A. A Unit member shall receive initial training as directed by the Administrator and the Pipe Major if the member is a piper, or the Drum Sergeant if the member is a drummer.
- B. The Administrator, in consultation with the Pipe Major and Drum Sergeant, shall determine the scope and course content of training.
- C. Unit members shall attend all required training sessions and approved performances unless specifically excused by the Administrator, Pipe Major, and Drum Sergeant.
- D. Required annual training shall consist of a minimum of four (4) hours of full Unit membership participation every three (3) weeks. A Unit member must understand and agree that the minimum required hours are allotted for full band rehearsal time under direction of the Administrator, the Pipe Major, and the Drum Sergeant, and that proficiency in each respective discipline can be neither achieved nor maintained without additional practice time to be determined by the Unit member based on evaluation of proficiency and subsequent advisement by the Pipe Major or Drum Sergeant.
- E. A Unit member will not be elevated to a performing level until proficiency in that member's respective instrument is achieved, as determined by the Administrator, Pipe Major, and Drum Sergeant.
- F. A member who has performed to the satisfaction of the Administrator, the Pipe Major, and the Drum Sergeant at an approved performance shall be authorized to wear the Pipe and Drum Unit designation insignia on the uniform of the day in accordance with Maine State Police General Order E-28.

#### 6. INJURIES TO UNIT MEMBERS

- A. With respect to injuries to or medical work restrictions placed on a Unit member, the Unit and Unit member shall act in accordance with [MSP GO E-108](#).

#### 7. UNIT PERFORMANCE ASSIGNMENT PROTOCOLS AND PROCEDURE

- A. Criteria:
  - 1. Requests for the performance by the Pipe and Drum Unit shall be forwarded to the Administrator for consideration.
  - 2. The Administrator, after consultation with the Pipe Major and Drum Sergeant, will determine which level of commitment of personnel is appropriate (Level I or Level II).
  - 3. Requests will then be forwarded to the Special Services Lieutenant for consideration of whether or not event participation will be in accordance with the mission of the Pipe and Drum Unit. A determination of adequate staffing for approved events will be made with the approval of the Special Services Lieutenant.

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE INVESTIGATION OF STATE VEHICLE CRASHES | **NUMBER:** E-104

**EFFECTIVE DATE:** 06.23.2015 | **RECENT HISTORY:** AMENDED (06.23.2015); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.06.2009); FORMERLY GENERAL ORDER 61D; RESCINDED POLICY NO. 19

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish a uniform method of investigating and reporting all motor vehicle crashes involving State vehicles, other than Department of Public Safety vehicles operated by Maine State Police officers.

### II. POLICY

1. The policy of the Maine State Police is to investigate motor vehicle crashes involving State vehicles, to accurately document such crashes, and to cooperate with the State of Maine, Division of Risk Management to ensure that the division receives information it needs to evaluate and process claims.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Crash. "Crash" means an unintentional event caused by a motor vehicle in motion on a public way that results in personal injury, death, or property damage.
  - B. Nonreportable crash. "Nonreportable crash" means a crash that does not result in personal injury or death, but does result in property damage in an amount less than \$1,000.
  - C. Operator. "Operator" means an operator of, a known operator of, or a person responsible for a vehicle.
  - D. Reportable crash. "Reportable crash" means a crash that results in personal injury, death, or property damage in the amount of \$1,000 or more.
  - E. State vehicle. "State vehicle" means a vehicle registered to any department, agency, or entity of the State of Maine, including, but not limited to, the Maine Technical College System or Maine Maritime Academy.
    1. A Maine Department of Public Safety vehicle operated by someone other than a sworn member of the Maine State Police is a State vehicle.
    2. A vehicle registered to the University of Maine System is not a State vehicle.

#### IV. PROCEDURE

##### 1. REPORTING AND INVESTIGATING STATE VEHICLE CRASHES

###### A. The primary officer investigation a State vehicle crash shall:

1. Use all necessary resources to ensure that the crash investigation is complete and that the resulting reports are factual. Resources include, but are not limited to:
  - a. Crash reconstruction;
  - b. Forensic vehicle autopsy;
  - c. Forensic mapping;
  - d. Crime Lab analysis;
  - e. Drug recognition; and/or
  - f. Major Crime Unit personnel;
2. Ensure that photographs of the crash scene are taken as follows:
  - a. For the purposes of investigation, the officer should take all necessary photographs and submit them via the File Mover program;
  - b. If another agency investigates the crash and a Maine State Police officer assists, the officer should take photographs pursuant to this paragraph. The investigating officer shall take photographs that depict the following:
    - i. Any damage to the State vehicle;
    - ii. Any damage to any other vehicles or property;
    - iii. The scene of the crash from each operator's perspective; and
    - iv. Any reasonably possible contributing factors, e.g., vision obscurements, weather or road conditions;
3. Notify the Division of Risk Management, as soon as practicable, if the involved State vehicle is a Department of Public Safety vehicle;
4. Ensure that all reports required by this policy are complete and accurate, completed in the required time period, and filed correctly;
5. If the crash involves a Department of Public Safety vehicle, ensure that the Supervisor of Fleet Maintenance is notified as soon as practicable.

###### B. REPORTS

1. Teletype, File 14-B
  - a. The primary officer assigned to investigate an crash involving a Department of Public Safety vehicle shall initiate a File 14-B teletype message as soon as practicable, directed to the Colonel, Lieutenant Colonel, Operations Major, Support Services Major, Supervisor of Fleet Maintenance, and the Department of Public Safety Public Information Officer.
2. Police Crash Report
  - a. The primary investigating officer shall submit Police Traffic a Crash Report for a reportable crash within five (5) days after the crash.
  - b. The Supervisor of Fleet Maintenance shall be contacted the following business day by the operator of the Department of Public Safety vehicle so that an estimate of damage may be ascertained.
3. Crash /Incident Report (yellow form)
  - a. The State employee who was the operator of the State vehicle must submit the Crash /Incident Report (yellow form) to the Division of Risk Management as soon as practicable following the crash . If the vehicle is a Department of Public Safety vehicle, the operator shall forward a copy of the form to the Supervisor of Fleet Maintenance. The yellow

form is the equivalent of the 48-hour form and must be completed within 48 hours after the time of the crash.

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## MAINE STATE POLICE GENERAL ORDER

### E-105

**SUBJECT:** MAINE STATE POLICE MEMBERS ASSISTANCE TEAM

**EFFECTIVE DATE:** 11.12.2019

**RECENT HISTORY:** AMENDED (11.12.2019); AMENDED (04.27.2015); EFFECTIVE DATE 06.21.2006 (WITH RETROACTIVE EFFECT, AS AUTHORIZED); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.16.2009); FORMERLY GO 2006 MSP 5A

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Members Assistance Team .

#### II. POLICY

1. The policy of the Maine State Police is to maintain a trained Members Assistance Team to assist and support members of the Maine State Police, and, if requested, other public safety agencies.

***NOTE: Participation on a Maine State Police specialty team is contingent upon team members' satisfactory performance in their primary duty assignment. Participation on a specialty team is a privilege, not a right, and by accepting an assignment to a specialty team, a member of the Maine State Police waives any and all future claim of right to any benefit conferred upon the member by virtue of his or her participation on the team.***

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Critical incident. "Critical incident" has the same definition as provided at 25 M.R.S.A. § 4201, sub-§ 1.
  - B. Critical incident stress management peer support. "Critical incident stress management peer support" has the same definition as provided at 25 M.R.S.A. § 4201, sub-§ 1-A.
  - C. Critical incident stress management peer support person. "Critical incident stress management peer support person" has the same definition as provided at 25 M.R.S.A. § 4201, sub-§ 1-B.
  - D. Critical incident stress management team. "Critical incident stress management team" has the same definition as provided at 25 M.R.S.A. § 4201, sub-§ 2.
  - E. Debriefing. "Debriefing" means a confidential, structured meeting between members of the Members Assistance Team and members of the Maine State Police, or, when requested, other public safety agency, who have been exposed to stress as a result of a critical incident.
    1. The intent of the debriefing is to educate members seeking or in need of assistance about the effects of critical incident stress and to identify healthy, positive ways to cope with stress before it accumulates or becomes debilitating.
  - F. Members Assistance Team. "Members Assistance Team" ("MAT," "Team") means the Maine State Police critical incident stress management team that is trained established pursuant to 25 M.R.S.A. c. 501 (see <http://legislature.maine.gov/statutes/25/title25ch501sec0.html>) and trained in accordance with standards established by rule by the Commissioner of Public Safety (see 16-619 C.M.R. c. 70) to assist and provide support to any person employed by the Maine State Police or another public safety agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being.

#### **IV. PROCEDURE**

##### **1. ACTIVATION**

- A. The ranking Maine State Police officer in charge of a scene or investigation may request the assistance of the Team by contacting any member of the Team.
  1. Activations must be approved through the Team Leader or an Assistant Team Leader.

- B. Requests made through a Regional Communications Center (“RCC”) must be managed as follows:
  - 1. The RCC shall be provided with a roster of the names and contact numbers of all the members of the Team, so that, upon the receipt of a request for the Team, an Emergency Communications Specialist (“ECS”) may contact the Team Leader, an Assistant Team Leader, or the Team Administrator as soon as possible about the request.
- C. Requests received by a member of the Team must be managed as follows:
  - 1. Any requests for debriefings received by a member of the Team shall be forwarded to the Team Leader or an Assistant Team Leader as soon as possible.
  - 2. The Team Leader or an Assistant Team Leader shall coordinate the appropriate response to the request and assign a debriefing leader.

## 2. RESPONSIBILITIES OF THE TEAM LEADER

- A. The responsibilities of the Team Leader are as follows:
  - 1. To coordinate with the Team Administrator to provide oversight of the Team;
  - 2. To ensure that all Team Members are properly trained, and that training records are maintained and forwarded to the Maine State Police Training Unit;
  - 3. To coordinate the assignment of the debriefing leader, co-leader, and additional Team members;
  - 4. To complete an annual report of activities that must be submitted through the Team Administrator to the Colonel.
- B. An Assistant Team Leader shall assume the responsibilities of the Team Leader in her or his absence.

## 3. TEAM MEMBERSHIP

- A. The Team shall consist of a Team Leader, one or more Assistant Team Leaders, and Team Members, as approved by the Colonel.
- B. The Team Leader shall be selected from the sworn members of the Team.

## 4. TEAM SELECTION

- A. When a vacancy on the Team exists, the Team Leader shall issue a communication to all eligible sworn and civilian members of the Maine State Police, notifying them of the opening.
  - 1. A sworn or civilian member who is interested in joining the Team shall forward a written request through the member's Commanding Officer or Supervisor to the Team Administrator.
- B. At a minimum, each applicant to be a Team Member:
  - 1. Must be a sworn or civilian member of the Maine State Police;
  - 2. Must have met expectations or exceeded expectations on the most recent performance evaluation; and
  - 3. Must complete an interview exam administered before the Team Administrator, the Team Leader, and an Assistant Team Leader.
- C. Final selection to the Team must be based on:
  - 1. The recommendation of each applicant's Commanding Officer or Supervisor;
  - 2. Each applicant having the minimum qualifications listed above;
  - 3. Each applicant's geographic location; and
  - 4. Consideration of whether selection of an applicant ensures that there is a balanced representation of sworn and civilian members on the Team.
- D. The Team Leader shall evaluate a sworn or civilian member selected to become a Team member after a period of six (6) months.
  - 1. The Team Leader shall make a recommendation to the Team Administrator as to whether the sworn or civilian member should continue as a member of the Team at the end of the six-month period.

## 5. TRAINING

### A. Attendance

- 1. Each Team Member shall attend Team training sessions.
- 2. Each member shall participate and meet the training goals and objectives of required training sessions.
- 3. The Team Leader may excuse a member's attendance at any training session, provided that the Team Leader informs the

Team Administrator and Assistant Team Leaders of the excused absence.

- a. **Because of the importance and value of the skills of each member, excused absences only will be granted under exceptional circumstances.**

B. Training sessions

1. Each training session must include:
  - a. A clearly stated training goal;
  - b. Clearly stated learning objectives;
  - c. Completion of an administrative record to document training attendees, as well as the date, site, and duration of the training;
  - d. Issuance of documentation of attendance to each member at the conclusion of the training.
2. The Team shall conduct at least twenty (20) hours of training annually.

C. Training topics

1. Training topics may include, but not be limited to:
  - a. Critical incident stress management debriefing techniques;
  - b. Practice debriefings;
  - c. Debriefing of past calls.

6. MEMBER RETENTION REQUIREMENT

A. To remain a member of the Team, each member must:

1. Respond to calls for the Team when requested;
2. Attend all training sessions, unless an absence is excused;
3. Participate in post-incident self-care debriefings;
4. Meet or exceed expectations on her or his annual performance evaluation.
  - a. If a sworn or civilian member does not meet expectations on the annual performance evaluation or receives discipline during the rating period, the Lieutenant Colonel shall review the circumstances to determine whether there is a nexus between the

member's failure to meet on the annual performance evaluation and the member's ability to perform the duties of a Team member.

- (1) After such review, the Lieutenant Colonel may recommend that the Colonel remove or suspend the member from the Team.

7. CONFIDENTIALITY

A. Vital to the success of the Team is that confidentiality of information be maintained.

1. **Accordingly, each Team member shall ensure that information obtained from individuals during debriefings remains confidential, unless such disclosure is required pursuant to 25 M.R.S.A. § 4202, sub-§ 2.**

B. **No written notes or any other such documentation may be created by a Team Member during a debriefing, nor may any documentation about any of the substance of the discussion that occurred during a debriefing be created at any time thereafter.**

**NOTICE**

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## MAINE STATE POLICE GENERAL ORDER

### E-106

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING LEAVE FOR MAINE STATE TROOPERS ASSOCIATION MEETINGS AND ACTIVITIES

**EFFECTIVE DATE:** 10.25.2019

**RECENT HISTORY:** AMENDED (10.25.2019); REVISED (02.26.2014); FORMERLY POLICY NO. 94

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the allowance of leave to be given to Maine State Troopers Association ("MSTA") Members to conduct and attend association meetings and activities, and, to the extent applicable, negotiation sessions.

#### II. POLICY

1. The policy of the Maine State Police is to work cooperatively with the MSTA to ensure that leave is granted to MSTA Members to conduct and attend association meetings and activities discussed in this policy, and, to the extent applicable, negotiation sessions.
  - A. Subject to the conditions set forth in this General Order, such leave is to be granted whenever practicable, but only if the operational needs of the Maine State Police would not be compromised by doing so.

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. MSTA. "MSTA" is an acronym for Maine State Troopers Association.
- B. MSTA Executive Board. "MSTA Executive Board" means the Executive Board of the MSTA Board.
- C. MSTA Executive Board Member. "MSTA Executive Board Member" means a member of the Executive Board of the MSTA Board.
- D. MSTA Bargaining Team. "MSTA Bargaining Team" means the team of MSTA Members that represents the association during collective bargaining negotiation sessions.
- E. MSTA Board. "MSTA Board" means the full complement of MSTA Board of Directors.
- F. MSTA Board Member. "MSTA Board Member" means a member of the MSTA Board.
- G. MSTA Member. "MSTA Member" means a member of the MSTA.
- H. Negotiation session. "Negotiation session" means a collective bargaining negotiation session.

#### **IV. PROCEDURE**

##### **1. NOTIFICATION OF ELECTION OR APPOINTMENT TO AN MSTA OFFICE; NOTICE OF LEAVE OF AN MSTA OFFICE**

A. An MSTA Member shall notify her or his Commanding Officer in writing of the member's election or appointment as an MSTA Board Member, or as a member of the MSTA Bargaining Team, within five (5) business days following such election or appointment.

- 1. An MSTA Member shall notify her or his Commanding Officer in writing of the member's leave of such a post within five (5) business days after the member leaves the post.

##### **2. LEAVE FOR MSTA MEETINGS AND ACTIVITIES**

###### **A. Leave for MSTA Executive Board Meetings**

- 1. On an annual basis, MSTA Executive Board Members may hold one (1) MSTA Executive Board meeting per month.
  - a. Such monthly meetings must be scheduled so that they coincide with the following meetings, respectively:
    - (1) Quarterly MSTA Board meetings;
    - (2) Special MSTA Board meetings; and
    - (3) When applicable, negotiation sessions during those months when such sessions occur.

###### **2. Leave for MSTA Board Meetings**

- a. On an annual basis, MSTA Board Members, or their designees, may attend the quarterly meetings of the MSTA Board, and up to two (2) special meetings of that board.

3. Leave for annual and informational MSTA Board meetings
  - a. MSTA members may attend the MSTA Board's annual meeting and MSTA Board informational meetings, provided that minimum coverage is maintained in each Troop so that the safety of the public and officers is ensured.
4. Leave for MSTA Bargaining Team Members
  - a. Members of the MSTA Bargaining Team shall be granted leave to participate in negotiation sessions.
5. Leave for work to process grievances
  - a. MSTA Board Members shall be allowed a reasonable amount of leave away from their work to process grievances.
6. Leave for other MSTA meetings and activities
  - a. At the request of the MSTA President, the Colonel, or her or his designee, may grant administrative leave for MSTA Members:
    - (1) To attend regional or national meetings;
    - (2) To conduct official MSTA business.

### 3. CONDITIONS

- A. No additional compensation in any form shall be given to an MSTA Member if any MSP meeting, activity, or, to the extent applicable, negotiation session (including travel to and/or from), extends beyond the member's regularly assigned shift or occurs on the member's regularly scheduled day off, a vacation day, or a compensatory time day off.
- B. An MSTA Member who attends an MSTA meeting or activity of any kind that commences or ends during the member's regularly assigned shift, shall work as much of the complete shift as reasonably possible.
- C. An MSTA Member who attends an MSTA meeting or activity of any kind that commences and ends while the member is off-shift, shall complete the member's regularly assigned shift.
- D. Members of the MSTA Bargaining Team are to consider time used at bargaining sessions as time worked in lieu of their regularly assigned shift, provided that no additional compensation shall be given if the negotiations (including travel time to and/or from) extend beyond the hours allotted to a regularly assigned shift.
  1. No additional compensation shall be given if such negotiations fall on a regularly scheduled day off, a vacation day, or a compensatory time day off.
- E. Leave provided in this policy must include time needed for travel to and from MSTA meetings and activities, as well as, if applicable, negotiation sessions.
- F. An MSTA Member may use a State vehicle to travel to and from MSTA meetings and activities and, if applicable, negotiation sessions.

- G. When requesting leave to attend an MSTA meeting or activity, or, if applicable, a negotiation session, an MSTA Board Member or MSTA Bargaining Team Member shall provide her or his Commanding Officer reasonable advance notice of when the meeting, activity, or session is to be held.
1. Except as otherwise provided in this policy, a failure to provide reasonable advance notice may result in denial of a leave request.

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# MAINE STATE POLICE GENERAL ORDER

## E-107

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING SPECIALTY TEAM UNIFORM PHYSICAL APTITUDE TESTING STANDARD

**EFFECTIVE DATE:** 01.01.2019

**RECENT HISTORY:** AMENDED (01.01.2019); TECHNICAL AMENDMENT (ATTACHMENT UPDATED)(06.06.2018); AMENDED (07.22.2016); AMENDED (08.20.2015); NEW (10.23.2009)

**TECHNICAL AMENDMENTS:** TECHNICAL AMENDMENT (ATTACHMENT UPDATED)(06.06.2018)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police concerning the physical aptitude testing (“PAT”) standard that must be met and maintained by officers assigned to any Maine State Police specialty team that presently or prospectively has in place physical aptitude testing standards that must be met and maintained by officers who are assigned to the team.

### II. POLICY

1. The policy of the Maine State Police is to have in place a uniform physical aptitude testing standard applicable to Maine State Police specialty teams that presently or prospectively have in place a physical aptitude testing

standard that must be met and maintained by officers who are assigned to such teams.

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Maine State Police specialty team. "Maine State Police specialty team" means a specialty team of the Maine State Police such as, for example, the Maine State Police Tactical Team and the Maine State Police Crisis Negotiation Team.

### **IV. PROCEDURE**

1. Notwithstanding the provision of any other Maine State Police General Order, the following provisions apply to all Maine State Police specialty teams that presently or prospectively have in place a physical aptitude testing standard that must be met and maintained by officers who are assigned to such teams:
  - A. To earn and maintain an assignment to a Maine State Police specialty team, an officer must maintain a score in the sixtieth (60<sup>th</sup>) percentile or higher on each of the three components of the physical fitness test (pushups, sit-ups, and a one-and-one-half (1 1/2) mile run), per Maine Criminal Justice Academy and Cooper Standards protocols and norms used in the current applicant process.
  - B. When an officer who is a member of a specialty team fails a PAT, the Special Services Lieutenant shall arrange for the member to be counseled by a trained fitness instructor and placed on a six (6) month probationary period, during which period the officer will remain a member of the specialty team.
    1. The assigned fitness instructor is to assess the member periodically during the probationary period.
      - a. If the member successfully achieves a PAT score in the sixtieth (60<sup>th</sup>) percentile or higher at any time during the six (6) month probationary period, the fitness instructor shall notify the leader of the subject specialty team and the Special Services Lieutenant.

(1) The member then no longer shall be on probation.

- C. If an officer who is a member of a specialty team fails any two (2) consecutive bi-annual assessments, or two (2) of the three (3) most recent, consecutive such assessments, the member is to be removed from the subject specialty team unless the Lieutenant Colonel finds that exceptional circumstances caused the member to fail the most recent assessment.
  - 1. An officer removed from a specialty team may reapply for membership to the team after a period of at least one (1) year has passed.
- 2. The provisions Part IV, section 1 of this policy apply to the Maine State Police Tactical Team, except:
  - A. Members and prospective members must annually pass the "Maine State Police Tactical Team Annual Physical Fitness Test," the scoresheet for which is attached to and incorporated into this policy by reference.
- 3. The provisions Part IV, section 1 of this policy apply to the Maine State Police Crisis Negotiation Team, except:
  - A. The applicable percentile is "fiftieth" ("50th") rather than "sixtieth" ("60th").

## **ATTACHMENTS**

["Maine State Police Tactical Team Annual Physical Fitness Test" scoresheet](#)

### **NOTICE**

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## Maine State Police Tactical Team Annual Physical Fitness Test

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Weight:** \_\_\_\_\_

**85% of B.W.:** \_\_\_\_\_

### **Max Reps Bench Press @ 85% of Athlete's Body Weight**

Do as many reps as possible in 60 seconds. You can "rest" holding the barbell up, off your chest in the elbows locked out position as you fight for more reps. The barbell must touch the athlete's chest for each rep, and finish with the elbows locked out. Feet must remain on the floor, and the athlete's butt cannot lose contact with the bench - no excessive arching!

**Total # of Reps:** \_\_\_\_\_

### **Max Reps Front Squat @ 85% of Athlete's Body Weight**

Do as many reps as possible in 60 seconds. You can "rest" in the standing position, holding the barbell on your chest in the "rack" position. The athlete must lower the barbell until his thighs are at parallel or below. If you have a dynamax medicine ball, place it below the athlete, and have him touch the ball with his butt for the "bottom" position. The top of the range of motion is standing with the hips locked out at full extension. The athlete may hold the barbell on his chest with his hands and arms in the "clean" position, or crossed in the "body building" front squat position. Clean position is preferred, but not required.

**Total # of Reps:** \_\_\_\_\_

**Max Reps Dead Stop Dead Lift @ 85% of Athlete's Body Weight**

Do as many reps as possible in 60 seconds. NOTE THAT THESE ARE DEAD STOP DEAD LIFTS - NO BOUNCING! The barbell must stop completely on the floor after each rep. Range of motion starts with the barbell resting on the floor and ends at the top of the lift with the hips fully extended. The athlete may rest by setting the barbell on the floor and standing up without it.

**Total # of Reps:** \_\_\_\_\_

**4 Rounds for Total Reps**

60 second 25m sprint

60 second rest

Protocol: Each full length counts as 1 rep. Each full round trip counts as 2 reps. No partials! The athlete has to sprint a full length to get the point for the rep.

**Total # of Sprints:** \_\_\_\_\_

**Max Pull Ups**

The athlete can "rest" while hanging on the bar with both hands in the bottom position.

**Total # of Pull Ups:** \_\_\_\_\_

**60# Sandbag Get up, max reps in 10 minutes**

Start standing with the sandbag on one shoulder. Lay all the way down, then "get up" any way you want. The "finish" position is full sanding position, knees and hips at full extension, feet shoulder width apart. The athlete may or may not switch shoulders with the sandbag as he wishes. Do as many reps as you can in 10 minutes. (Every two get ups = 1 point.)

**Total # of Reps:** \_\_\_\_\_

**Total Points for SBGU's:** \_\_\_\_\_

**Total Points:** \_\_\_\_\_

### 3 Mile Run within 30 minutes

Start within 10 minutes of finishing the Sandbag Getups. Time the run. You have to finish within 30 minutes.

**Time:** \_\_\_\_\_      **Pass:** \_\_\_\_\_      **Fail:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

### SCORING STANDARDS

**Minimum passing score is 100, and finishing the run within 30 minutes.**

#### Test Notes and Explanation:

**Reps vs. Max Effort Strength** - An issue I struggled with in designing this test was how to test strength. The obvious way was to do a 1 rep max strength test. Issues arise with this - safety for one. Also, standardizing how to score the result is difficult.

**Why bench press and front squat?** - One of the most interesting things about strength is when an athlete is balanced, his front squat and bench press 1 rep max will be very close together. The same is true for max reps, like this test. With the front squat test, I'm not only testing leg strength, but also strength balance between upper and lower body.

**Dead Lifts** - The dead lift is a great test of overall, full body strength. I chose not to test a 1 rep max because of time constraints. I found 60 seconds to be about right for time.

**Sprints** - The 60/60 25m sprint for reps tests anaerobic endurance and the athlete's ability to recover metabolically. I chose sprints as the "mode" to test anaerobic endurance and recovery over other means because I feel sprinting is a key fitness attribute for military athletes. Plus, no special equipment is needed for this test.

**Pull ups** - This is one carryover from typical military fitness tests. Pulling power is another needed attribute for military athletes.

**Sandbag get up:** This is a great, functional exercise for building and testing core strength. Doing the sandbag getup for reps over a relatively long interval, 10 minutes, also test the athlete's work capacity. The sandbag getup is a full body exercise, which when done in high reps for time, will make you breath like a mother.

Rest between sets and exercises - Work through the test briskly enough so you can complete it in 60 minutes. For the bench press, front squat, and dead lift, there is no set rest period between sets. Rather, perform the test with a partner, or pretend that you are.

By the time each guy does the set, plus weight changes, you'll be getting enough rest for these tests. Also, use the same barbell for each lift. The time it takes to unload the plates, re-set the racks for the front squat, and or, take off the barbell for the dead lift, etc, will give you the right amount of rest before starting the next exercise.

After the dead lifts, the athlete can take time to get a drink and catch his or her breath before starting the sprints. After the sprints, rest 3-5 minutes before doing the pull ups. You can take another couple of minutes between the pull ups and the sand bag get ups. Start the run within 10 minutes of finishing the sandbag getups.

### **SCORING:**

Bench Press reps x1  
Front Squat reps x1  
Dead Lift reps x1  
Sprints x1  
Pull ups x1  
SBGU /2 (every 2 reps = 1 point)  
3 Mile Run within 30 minutes (Pass/Fail)

Here's an example on how to score the test:

Bench Press - 10 reps = 10 points  
Front Squat - 10 reps = 10 points  
Dead Lift - 18 reps = 18 points  
Sprints - 36 total = 36 points  
Pull ups - 18 reps = 18 points  
SBGU - 52 reps/2 = 26 points

TOTAL:  $10+10+18+36+18+26 = 118$  points



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

[Home](#) |Search Orders: 

**SUBJECT:** GENERAL ORDER STATING THE POLICY OF THE MAINE STATE POLICE REGARDING A SPECIALTY TEAM MEMBER'S GENERAL PARTICIPATION IN TRAINING AND OPERATIONS OF ANY SPECIALTY TEAM TO WHICH HE OR SHE HAS BEEN ASSIGNED WHEN THAT MEMBER IS SUBJECT TO ANY MEDICAL WORK RESTRICTION

**NUMBER:** E-108

**EFFECTIVE DATE:** 10.26.2009

**RECENT HISTORY:** NEW (RESCINDS MSP PD 2007-002)

**DISTRIBUTION CODE:** 2

### I. PURPOSE

1. The purpose of this General Order is to state the policy of the Maine State Police regarding a specialty team member's general participation in training and operations of any specialty team to which he or she has been assigned when that member is subject to any medical work restriction.

### II. POLICY

1. Notwithstanding the provisions of any other Maine State Police General Order, Policy Directive, policy, or procedure, a member of a specialty team who is subject to any medical work restriction is prohibited from participating in both the training and operations of any specialty team to which that member has been assigned until such time that --
  - A. A medical professional has provided documentation to the Maine State Police stating that the subject member may return to all work duties, without restrictions;
  - B. The Special Services Lieutenant has reviewed that documentation; and
  - C. The Special Services Lieutenant then provides written authorization stating that the member may participate in the training and operations of any specialty team to which he or she is assigned (a copy of such written authorization also is to be provided to the member's direct supervisor).

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the directive.
  - A. Medical work restriction. "Medical work restriction" means any limitation placed by a medical professional on the scope of duties that a person otherwise would be able and expected to perform at work. Being placed on "light duty" is an example of such a restriction.
  - B. Specialty team. "Specialty team" means a team of Maine State Police employees that is specially trained and equipped to carry out a specific function, mission, or duty. The Maine State Police Tactical Team and the Maine State Police Incident Management Assistance Team are examples of specialty teams.

### IV. PROCEDURE

1. None.

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# MAINE STATE POLICE GENERAL ORDER

## E-110

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE TIMELY NOTIFICATION TO THE MAINE DRUG ENFORCEMENT AGENCY, UNITED STATES DRUG ENFORCEMENT AGENCY, OR OTHER FEDERAL AGENCY OF JURISDICTION AND THE PROCESSING OF SEIZED ASSETS

**EFFECTIVE DATE:** 11.28.2019

**RECENT HISTORY:** AMENDED (11.28.2019); AMENDED (03.15.2019); AMENDED (02.22.2019); AMENDED (08.13.2015); AMENDED (SUBSTANTIVE & TECHNICAL)(02.04.2014); AMENDED (TECHNICAL AMENDMENTS)(01.15.2014); ATTACHMENT ADDED (03.25.2013); NEW (05.05.2010)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the processing of seized assets.

### II. POLICY

1. The policy of the Maine State Police is to:
  - A. Appropriately process assets seized during any incident, including, but not limited to, incidents involving illegal drugs;
  - B. Provide guidance to officers regarding the processing of assets seized during incidents in which officers are involved;
  - C. Ensure timely notification and coordination with the Maine Drug Enforcement Agency ("MDEA"), the United State Drug Enforcement

- Agency, or other Federal agency of jurisdiction in order to ensure cooperation and possible furtherance of the investigation and prosecution of crimes involving illegal drugs; and
- D. Ensure that whenever an officer seizes assets during an incident, the appropriate prosecuting officials are notified in a timely manner.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

A. Asset. "Asset" means:

1. U.S. or Canadian currency that is the proceeds of the sale of contraband such as, for example, illegal drugs;

- a. NOTE: Currency that is not U.S. or Canadian currency, and that is **less than one thousand dollars (\$1,000)** is to be considered property.

(1) Such currency shall be stored at the Troop Barracks and be disposed of in accordance with law. See [25 MRSA c. 401, DISPOSAL OF UNCLAIMED, LOST OR STOLEN PERSONAL PROPERTY BY LAW ENFORCEMENT AGENCIES.](#)

- b. If custody is taken of currency that is not U.S. or Canadian currency, and that is one thousand dollars (\$1,000) or more in value (in U.S. dollars), the Troop Commander shall contact the Department of Administrative and Financial Services ("DAFS") to inquire about proper exchange and storage procedures.

2. Any item of property that was acquired using the proceeds of the sale of contraband (including, but not limited to, cars, boats, aircraft, snowmobiles, and all-terrain vehicles, real estate, and jewelry);
3. Any item of property that was used to conceal or convey contraband; or
4. Any item of property that was used in the commission of any other crime.

**Illegal contraband is specifically *not* an "asset."**

- B. DAFS. "DAFS" means the Department of Administrative & Financial Services.
- C. Incident. "Incident" means an event -- including, but not limited to, a motor vehicle stop -- during which a crime has possibly or actually been committed, or during which evidence that a crime has been committed is discovered by an officer responding to the incident.

#### IV. PROCEDURE

##### 1. GENERALLY

- A. The Commander of the Troop or Unit to which an officer seizing an asset belongs shall ensure that the provisions of this policy are followed.
- B. Each officer shall adhere to the procedures set forth in this policy when the officer seizes any asset during the course of an incident to which the officer has responded.
- C. Any U.S. or Canadian currency that is not an asset, and is found, recovered as stolen property, or that has been abandoned, must be submitted to and retained by the appropriate accounting unit of the Department of Administrative & Financial Services ("DAFS").
- D. **Currency that is not U.S. or Canadian currency, and that is less than one thousand dollars (\$1,000) is to be considered property and must be disposed of in accordance with law. See 25 MRSA c. 401, DISPOSAL OF UNCLAIMED, LOST OR STOLEN PERSONAL PROPERTY BY LAW ENFORCEMENT AGENCIES.**
- E. **Currency of any amount that contains physical evidence of a crime (such as, as examples only, blood droplets or spatter, or DNA evidence) must be treated as evidence in accordance with [MSP GO E-35, MAINE STATE POLICE POLICY REGARDING THE SEIZURE OF EVIDENCE AND EVIDENCE ROOM MANAGEMENT AND SECURITY](#).**

##### 2. PROCESSING OF ASSETS SEIZED DURING AN INCIDENT

- A. In addition to any other requirements specifically set forth in this order, assets seized during an incident are to be processed as follows.
  - 1. If an officer seizes any asset during an incident, the officer – as soon as possible, but under no circumstances no later than after forty-eight (48) hours – shall complete a [Maine State Police Asset Seizure Report](#) that accounts for each such asset and forward a copy of the report to:
    - a. The officer's Troop or Unit Commander;

- b. The office of the appropriate prosecuting authority;  
and
- c. The Maine State Police officer assigned by the Operations Major to oversee the suspense account.

(1) That assigned officer shall be responsible for filing the documentation with DAFS.

B. When during an incident an officer seizes illegal drugs, he or she shall take following action, to the extent appropriate.

1. Whenever an officer is involved in an incident during which evidence of any felony-level drug crime is seized by the officer, the officer shall notify the local MDEA District Task Force ("MDEA DTF") or the United States Drug Enforcement Agency ("DEA"), or other Federal agency of jurisdiction for the purpose of determining whether a conflict exists with any on-going MDEA DTF or Federal DEA investigation, as well as to jointly coordinate investigation activities.

a. Such a determination and joint coordination *must* occur by the officer before he or she conducts further investigation.

2. Regardless of the quantity of illegal drugs seized by an officer during an incident, the officer shall consult with the office of the appropriate prosecuting authority:

- a. If the officer needs legal advice or guidance;
- b. If the officer intends to seek, or reasonably expects that a search warrant will be sought, in relation to or in "follow-up" of the incident.

C. In addition to the requirement set forth in Part IV(2)(A), above, currency seized during an incident is to be processed as follows.

1. Whenever currency is seized during an incident, the exact amount of currency must be verified by the officer who seized the currency, with a Sergeant or Officer of the Day ("OD") witnessing that verification process.

a. The Sergeant or OD who witnesses the verification process then also must verify the amount of currency seized.

- (1) If the Sergeant or OD's currency count total differs from the currency count total of the officer, the currency **must** be recounted by **each** again until the total amounts of currency counted of both the Sergeant or OD and the officer who seized the property, are the same.
2. Once the currency count total amount has been appropriately verified, the currency must be documented in the officer's report, and a *Maine State Police Asset Seizure Report* (attached) must be completed by the officer.
  - a. All Currency must be photographed.
    - (1) When photographing currency, the currency must be displayed in such a way that the photograph can be taken, and that a person viewing the photograph will be able to determine that the photograph accurately displays the currency seized.
    - (2) All such photographs must be enclosed with the case report.
  - b. If practicable, currency that **totals more than one hundred (100) pieces** shall be run through MDEA's Money Counter Project ("MCP").
    - (1) The list of individual bill serial numbers then must be included in the case report.
  - c. Currency is to be packaged in clear plastic pouches designed to hold currency.
  - d. Currency must be packaged separately from any other asset or contraband seized by the officer.
3. The *Maine State Police Asset Seizure Report* must then be forwarded with the seized the currency to the officer's Troop or Unit Commander within forty-eight (48) hours after the seizure, which in turn must be forwarded to the appropriate accounting personnel at the Maine Department of Public Safety no later than seven (7) days after the date of the seizure.
4. Currency must not be stored at a Troop Barracks, Unit, or other Maine State Police facility for more than seven (7) days after the date the seizure.

5. The Maine State Police only shall apply for forfeiture proceeds in cases in which the amount of currency seized is one thousand dollars (\$1,000.00) or more.
- D. In addition to the requirement set forth in Part IV(2)(A), above, vehicles seized during an incident are to be processed as follows.
1. An officer who seizes a vehicle during an incident:
    - a. Shall conduct a title inquiry on the vehicle;
      - (1) To conduct a title inquiry, the vehicle's Vehicle Identification Number ("VIN") will be needed.
    - b. Shall attempt to determine ownership of the vehicle; and
    - c. Shall attempt to determine the net value of the vehicle (i.e., the appraised value of the vehicle, less the value of any liens that are on the vehicle) by contacting the "Motor Vehicle Titles" section at the Bureau of Motor Vehicles of the Office of Secretary of State.
  2. While a seized vehicle is held by the Maine State Police, the Troop or Unit Commander, or her or his designee, shall take reasonable steps to try to ensure that the vehicle remains in the condition in which it was seized.
  3. Whenever a motor vehicle is seized during an incident, the officer seizing the vehicle shall conduct an inventory of the vehicle and complete a *Vehicle or Property Inventory Report*.
  4. Seized vehicles must be held at a DPS facility or other secure facility approved by the Maine State Police.
  5. All personal property must be removed from a seized vehicle, and then inventoried and maintained in accordance with law.
- E. **The use of any seized asset for operational or personal purposes is strictly prohibited.**
1. Any asset that is seized by and in the custody and control of the Maine State Police must **NOT** be utilized by any personnel for operational or personal purposes **unless and until** a final disposition has been reached in the case to which the asset relates **and** a forfeiture order has been issued, to the extent such an order needs to be issued with respect to the asset.
3. **EQUITABLE SHARING OF SEIZED ASSETS, OR THE PROCEEDS FROM THE LAWFUL DISPOSITION THEREOF**

- A. In accordance with applicable State law, and subject to the approval of the court of jurisdiction, the Department of the Attorney General, and the controlling State, county, or municipal authority, assets, or the proceeds from the lawful disposition thereof, may be equitably shared amongst any criminal justice agencies that have "made a substantial contribution to the investigation or prosecution of a related criminal case," through the asset forfeiture process.
- B. Upon receiving the [Maine State Police Asset Seizure Report](#) contemplated in Part IV(2)(A), above, the Lieutenant Colonel shall review the equitable sharing recommendations made in the report with the appropriate Troop or Unit Commander in order to determine and finalize the Maine State Police's equitable sharing recommendations with regard to the incident to which the report relates.
  - 1. The Troop or Unit Commander shall ensure that, to the extent necessary and appropriate, all follow-up documentation and correspondence with the office of the appropriate prosecuting authority reflects the equitable sharing recommendations.
  - 2. Once completed, the Troop or Unit Commander shall forward all related documentation to the Maine State Police officer assigned by the Operations Major to oversee the suspense account.
  - 3. That assigned officer then shall file the documentation with DAFS.
- C. Each forfeiture of an asset is supposed to be processed in the same court as the companion criminal case.
  - 1. When a criminal case is prosecuted in State court, any seized asset relating to the case that is to be subject to forfeiture is supposed to appear on the indictment or criminal complaint issued in the case.
  - 2. When a Federal agency assumes jurisdiction over a case, the Federal agency also shall assume jurisdiction over any assets that were seized during the course of the case.
    - a. Such assets are to be transferred to the Federal agency assuming jurisdiction.
  - 3. With the prior approval of the Operations Major, a Troop or Unit Commander may request that a Federal agency assume jurisdiction over an asset for the purpose of initiating and conducting administrative forfeiture proceedings with

respect to the asset, under the following, limited circumstances:

- a. There is no defendant to be prosecuted by the State;
- b. Prosecution of a defendant has been declined by the State;
- c. A criminal case that involved two thousand five hundred dollars (\$2,500.00) or more worth of currency has been completed, and the State prosecuting authority unintentionally did not – and is later unable to – address and resolve the matter of how the currency is to be disposed of through forfeiture processes; or
- d. Where only one or more Federal crimes have been committed and are being prosecuted by a Federal prosecuting authority.

Note: Paragraphs "c" and "d" only apply to circumstances involving currency that has been seized during a traffic stop.

4. Troop Commanders shall track the following information about each asset that is seized by an officer within their respective Troops and Units:
  - a. From what person or entity the asset was seized;
  - b. The authority of law pursuant to which the asset was seized;
  - c. If applicable, to whom the asset was delivered;
  - d. If applicable, the date and manner of destruction or disposition of the asset; and
  - e. If applicable, the exact kinds, quantities, and forms of the asset.

(1) As examples only, such information might include, if applicable, serial numbers, VINs, make and model numbers, colors, year of manufacture.

#### 4. ASSETS ORDERED TO BE FORFEITED TO THE MAINE STATE POLICE

- A. Whenever an asset seized and held by the Maine State Police is ordered by a Court to be forfeited to the agency, a copy of the Court Order authorizing such forfeiture must be promptly forwarded to the Maine State Police Staff Attorney by email, fax, or postal mail.

5. ASSETS ORDERED TO BE FORFEITED OR DISTRIBUTED IN WHOLE OR PART BY THE MAINE STATE POLICE TO ONE OR MORE OTHER GOVERNMENTAL ENTITIES

- A. Whenever a Court Order authorizes or requires the Maine State Police to transfer in whole or part an asset that was seized or held by – and, if applicable, forfeited to – the Maine State Police to any other governmental entity, a copy of that Court Order must be promptly forwarded to the Maine State Police Staff Attorney by email, fax, or postal mail.

6. EQUITY CONSIDERATIONS

- A. Because there may be instances in which the costs associated with the transport, storage, maintenance, and lawful disposition (through forfeiture) of an asset will likely or in fact outweigh the value or utility of the asset itself, the Troop Commander of jurisdiction shall determine the reasonableness of the Maine State Police continuing to store and maintain the asset.
- B. In any instance in which a Troop Commander determines that it is not worthwhile for the Maine State Police to continue to store and maintain an asset that was seized during an incident, he or she shall notify his or her Division Major regarding that determination.
1. The subsequent disposition of such an asset must be made in accordance with applicable law.

7. REFERENCE

- A. Officers should be generally familiar with the following provisions of law:
1. [15 MRSA c. 517, Asset Forfeiture](#)

**ATTACHMENTS**

[Maine State Police Asset Seizure Report](#)  
[Maine State Police Form 111](#)  
[Asset Disbursement Memorandum](#)

**NOTICE**

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**STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



DEPARTMENT OF PUBLIC SAFETY  
MAINE STATE POLICE  
ASSET SEIZURE REPORT

SECTION I. ADMINISTRATIVE INFORMATION

Case Number: Date of Seizure: Date of Report: Task Force: Seizing Officer:

Place Seized: Prosecutor:

Agencies Involved & # of Investigative Hours Contributed:

Supervisor's assessment of contribution by agencies identified above (%):

Supervisor's Approval: Date:

SECTION II. PERSON FROM WHOM ASSET SEIZED

Last Name: First MI DOB: Last 4 digits of SSN#: XXX-XX-

Address: City/Town:

County: State: Zip Code:

SECTION III. DESCRIPTION OF ASSET SEIZED\*

- \*CURRENCY - the AG Drug Task Force Unit will consider only \$1,000 or more for forfeiture.
- \*MOTOR VEHICLE - must be valued at \$3,500 or more for forfeiture consideration by the AG Drug Task Force Unit. Include year, make, model, VIN, mileage, condition (poor, fair, or good) and registration #.
- \*FIREARM - must include make, model, caliber, serial number and condition.
- \*OTHER - any item of value seized for forfeiture consideration. Include make, model, serial number and condition.

(Use separate form for each asset seized - you only need complete Case Number and Section III for each additional asset).

SECTION IV. CASE SYNOPSIS (Must include probable cause for seizure of asset)

- Investigative report of seizure attached
- Other pertinent facts:



# FORM 111



## MAINE STATE POLICE

Name and address of person from whom evidence/property was obtained:	Case No.:
--	-----------

Location where evidence/property will be held: <input type="checkbox"/> Property warehouse <input type="checkbox"/> Laboratory <input type="checkbox"/> Other:	Location from where the evidence/property was obtained:
---	---

Item no.:	Quantity :	ITEM DESCRIPTION (Include, e.g., model, serial number, unique identifiers, condition, and value, if known)

I HEREBY CERTIFY THAT I HAVE RECEIVED, AND I ACKNOWLEDGE THAT I AM RESPONSIBLE FOR, THE ITEMS LISTED ABOVE.

PRINTED NAME:	SIGNATURE:	DATE:
---------------	------------	-------

Item no.	Date	Item released by:	Item received by:	Reason for change of custody:
		Printed name and agency:	Printed name and agency:	
		Signature:	Signature:	
		Printed name and agency:	Printed name and agency:	
		Signature:	Signature:	
		Printed name and agency:	Printed name and agency:	
		Signature:	Signature:	
		Printed name and agency:	Printed name and agency:	
		Signature:	Signature:	
		Printed name and agency:	Printed name and agency:	
		Signature:	Signature:	



STATE OF MAINE  
 Department of Public Safety  
**Maine State Police**  
 42 State House Station  
 Augusta, Maine  
 04333-0042

PAUL R. LEPAGE  
 GOVERNOR

John E. Morris  
 COMMISSIONER

---

**INTEROFFICE MEMORANDUM**

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TO: Elise Houle, DAFS  
 FROM: Lt. , Troop  
 SUBJECT: Asset Disbursement  
 DATE:

---

**DEFENDANT:**

**CASE NUMBER:**

**ASSET #:**

Pursuant to MSP Case #SP13-\*\*\*\*\* (attached), the above identified assets transfer has been ordered. Copy of Final Order of Disposition from presiding court and DAF's cash receipt are attached.

Please initiate a transfer of funds from the DPS Suspense Account as identified below:

AMOUNT:	PAYABLE TO: (name/business name and full address to mail check)
\$	

Authorized signature: \_\_\_\_\_

Rev. 3/2013

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INTEGRITY \* FAIRNESS \* COMPASSION \* EXCELLENCE

Offices located at: 45 Commerce Drive, Suite #1, Augusta, Maine  
 (207) 624-7200 (Voice) (888) 524-7900 (TDD) (207) 287-3428 (Fax)



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE WORKPLACE HARASSMENT POLICY, AND EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION POLICY

**NUMBER:** E-111

**EFFECTIVE DATE:** 02.05.2010

**RECENT HISTORY:** NEW (ADOPTS AND INCORPORATES BY REFERENCE THE MOST RECENTLY APPROVED VERSIONS OF THE MAINE DEPARTMENT OF PUBLIC SAFETY'S "HARASSMENT" POLICY AND THE DEPARTMENT'S "EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION" POLICY; REPLACES MSP GO E-91 & E-92)(02.05.2010)

**DISTRIBUTION CODE:** 2

### I. PURPOSE

1. The purpose of this General Order is to state the Maine State Police policy regarding workplace harassment and the Maine State Police equal employment opportunity/affirmative action policy.

### II. POLICY

1. The Maine State Police hereby adopts and incorporates by reference into its General Orders the most recently approved versions of the Maine Department of Public Safety's "Harassment" policy and the department's "Equal Employment Opportunity/Affirmative Action" policy, copies of which are attached to this General Order.

### III. DEFINITIONS

1. None.

### IV. PROCEDURE

1. None.

### ATTACHMENTS:

["DPS 2, Harassment" policy](#)

[DPS "Equal Employment Opportunity" policy](#)

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS**

**OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE  
SANCTIONS BY THE MAINE STATE POLICE.**

[Maine.gov](#) | [Maine State Police](#) | [DPS General Orders](#) | [MSP General Orders Home](#) | [Site Policies](#)



STATE OF MAINE  
Department of Public Safety  
Office of the Commissioner  
104 State House Station  
Augusta, Maine  
04333-0042

PAUL R. LEPAGE  
GOVERNOR

JOHN E. MORRIS  
COMMISSIONER

**STATE OF MAINE DEPARTMENT OF PUBLIC SAFETY**

I. General Policy Statement

The State of Maine recognizes the dignity of the individual employee and the right of employees to work in an environment which is free of intimidation and harassment. Such intimidation or harassment based on race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or marital status is a violation of State policy. Because such harassment seriously undermines the integrity of the work place and adversely affects employee morale, it is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary action up to and including discharge. Harassment based on race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Maine Workers Compensation Act may also constitute illegal employment discrimination.

Examples of harassment related to race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act, include the following, which may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments, or contact;
- Threats;
- Offensive jokes;
- Subjecting employees to ridicule, slurs, or derogatory actions;
- Basing employment decisions or practices on submission to such harassment;
- Refusal to cooperate with employees in performing work assignments;
- Inequitable disciplinary actions and work assignments.

Further examples of sexual harassment include: behavior that is verbal and sexual in nature - such as comments about a person's looks, personal inquiries, sexual jokes, use of derogatory sexual stereotypes, uttering sexually suggestive sounds, writing sexual notes, use of State computer equipment to send, receive and/or download material of a sexual nature; non-verbal sexual behavior-such as looking someone up and down, staring or leering at someone's body, deliberate blocking of a person's path, displaying sexual visuals, making sexual gestures; or physical such as pinching, grabbing, sexual assault or any physical contact of a sexual nature.

As a matter of State policy, any behavior of a sexual nature in the workplace is considered unprofessional regardless of whether it constitutes illegal sexual harassment. Similarly, any conduct that degrades, ridicules or otherwise draws unwanted attention to any employee or other person having dealings with the department on the basis of race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or marital status is considered unprofessional regardless of whether it constitutes unlawful harassment. Such unprofessional conduct will not be tolerated in the work place because it undermines morale, interferes with performance and demeans its victims. Each employee is personally responsible for compliance with this policy.

As part of their supervisory responsibilities, supervisors are required to actively prevent or stop inappropriate, unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment. If they become aware of any such conduct occurring through personal observation or information from another party, they must consult with the Department's EEO Coordinator and take immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is required regardless of whether a complaint is made or the conduct appears to be unwelcome. Even if the person providing information requests that no action be taken, the supervisor must contact the EEO Coordinator. Managers and supervisors who fail to fulfill their obligations under this policy will be subject to disciplinary action, up to and including discharge.

## II. Definitions

"Sexual harassment" is defined as unwelcome sexual conduct that is a term or condition of employment. Unwelcome sexual conduct is sexual harassment when submission to such conduct is expressly or implicitly made a term or condition of employment.

"Quid pro quo" harassment occurs when submission or rejection of such conduct is used as the basis for employment decisions affecting an individual, *such as promotions in exchange for sexual favors, or an unfavorable change of duties in response to rejected sexual advances.*

"Hostile Work Environment." Unwelcome sexual conduct which unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment also constitutes illegal sexual harassment. Conduct which is not sexual in nature may still create a sexually hostile work environment if it is based on the victim's gender. Such conduct may include excluding or isolating employees, tampering with belongings or equipment, or physical or verbal abuse based on gender.

## III. Applicability

This policy applies to:

- Co-workers and supervisors
  - Outside parties having dealings with the department (i.e., customers, vendors, contractors)
  - Interactions between individuals of the same sex as well as of the opposite sex
  - Interactions in the workplace during work hours as well as outside activities related to the workplace (i.e., parties, trips, conferences)
-

#### IV. Complaint Process

The State of Maine is committed to preventing harassment prohibited by this policy through education and dissemination of information as well as employee accountability. Such harassment may be reported by any employee, regardless of whether that employee is the recipient of the harassment, a witness or otherwise becomes aware of harassment prohibited by this policy.

Internal complaints may be filed by contacting any of the following individuals:

- Immediate supervisor or any supervisor/manager in the chain of command
- Departmental Equal Employment Opportunity Coordinator
- Departmental Human Resource Manager
- State Equal Employment Opportunity Coordinator

Although every attempt will be made to resolve complaints at the lowest possible level, if an investigation is warranted, it will be conducted promptly and with as much confidentiality as possible, respecting the rights of all parties involved. All employees are expected to cooperate in any departmental investigation of harassment.

In addition to initiating the internal complaint procedure, employees covered by collective bargaining agreements may file a grievance through the applicable grievance procedure. A discrimination complaint alleging harassment on the basis of race or color, sex, sexual orientation, physical or mental disability, genetic information, religion, age, ancestry or national origin, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act may also be submitted to the Maine Human Rights Commission at any time within 300 days of the alleged discriminatory incident. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is used. In those instances where the prior workers' compensation claim or right is made against the State of Maine, the complaint may be submitted to the Maine Workers' Compensation Board.

Contact: Maine Human Rights Commission .....624-6050 State EEO Coordinator. ....287-4651..... 1-888-577-6690 (TTY)

#### V. Retaliation

Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assisting in an investigation is a violation of State policy. Any discriminatory action against any individual because the individual has opposed a practice that would be a violation of the Maine Human Rights Act, Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008 or the Age Discrimination in Employment Act or because the individual has made a charge, testified or assisted in any investigation, proceeding or hearing under the Maine Human Rights Act, Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008 or the Age Discrimination in Employment Act is illegal. A complainant is protected from retaliation regardless of the merits of the original complaint. Retaliation should be reported in the same manner as described above for complaints of harassment and will be promptly investigated. Such retaliatory conduct will be grounds for disciplinary action.

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Each State agency has a designated EEO Officer who is responsible for handling complaints and providing technical assistance to staff regarding these issues.

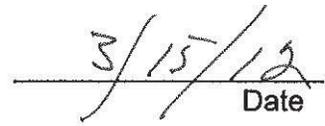
Michaela Loisel of Human Resources, is the designated EEO Coordinator and responsible for implementation, monitoring and technical assistance regarding the agency EEO Program. She may be reached via telephone at (207) 623-6735; by TTY at (207) 794-1110; and email at [Michaela.t.loisel@maine.gov](mailto:Michaela.t.loisel@maine.gov).

Laurel Shippee, the state EEO Coordinator in the Bureau of Human Resources, is also available as a resource to any state employee or supervisor. She may be reached at (207) 287-4651 (TTY) 1-888-577-6690.

Effective Date July 2011

By Order Of:

  
\_\_\_\_\_  
Commissioner John E. Morris

  
\_\_\_\_\_  
Date



STATE OF MAINE  
Department of Public Safety  
**Office of the Commissioner**  
104 State House Station  
Augusta, Maine  
04333-0042

JOHN ELIAS BALDACCI  
GOVERNOR

ANNE H. JORDAN  
COMMISSIONER

**Policy: Equal Employment Opportunity**  
**Effective Date: July 1, 2009**  
**Distribution: All Employees**  
**Review Date: July 1, 2010**

Historically, the bureaus that comprise the Department of Public Safety have adhered to a policy of equal employment opportunity and affirmative action. I earnestly reaffirm this policy and advocate a meaningful, results-oriented program designed to assist us in the achievement of a high quality and diverse workforce.

The Maine Department of Public Safety shall follow both the spirit and the letter of the law as it continues to pursue a policy of non-discrimination in all employment actions, practices, procedures and conditions of employment.

1. Employment decisions will be based on the principles of equal employment opportunity. Recruitment, testing, selection and promotion will be administered without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental disability, sexual orientation, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status unless a bona fide occupational qualification exists.
2. Further, personnel actions and conditions of employment, such as compensation, benefits, layoffs, job assignments, employee development opportunities and discipline shall be administered without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental disability, sexual orientation, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status.
3. Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the American with Disabilities Act.
4. Managers and supervisors are responsible for awareness of and response to potential discriminatory situations. Employees are required to cooperate fully with the investigation and/or resolution of any

discrimination complaint. Managers and supervisors are required to actively prevent and correct retaliation or harassment toward any employee who has been involved in the filing, investigation or resolution of a discrimination claim.

5. The Department will address and attempt to resolve employee complaints regarding discrimination and harassment as expeditiously as possible. Supervisors and managers are required to contact the agency Equal Employment Opportunity (EEO) Officer if they receive a complaint of this nature.
6. This policy shall not be construed to prohibit any employment action or policy that is required by federal law, rule or executive order.

Michaela Loisel, of the Security and Employment Service Center within the Department of Administrative and Financial Services, is the designated EEO Officer who is responsible for the implementation, monitoring and record keeping of the agency EEO/AA Program, as well as the provision of technical assistance to applicants and employees. She may be reached via telephone at 623-6735 (v) (207) 794-1110 (TTY) or via email at [Michaela.t.loisel@maine.gov](mailto:Michaela.t.loisel@maine.gov).

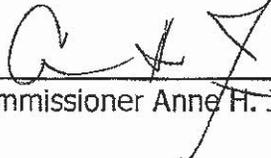
Laurel Shippee, of the Bureau of Human Resources within the Department of Administrative and Financial Services, is the State of Maine's EEO Coordinator and is also available as a resource to any state employee or supervisor. She may be reached via telephone at 287-4651 or via email at [laurel.j.shippee@maine.gov](mailto:laurel.j.shippee@maine.gov).

As Commissioner of the Department of Public Safety, I sincerely appreciate the continued cooperation and support of all employees and supervisors in making this department a successful equal opportunity employer and a positive example for other employers in the State.

**WARNING**

This policy is for the Department of Public Safety use only and does not apply in any criminal or civil proceeding. The Department Policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for Department of Public Safety administrative sanctions.

By Order of:

  
Commissioner Anne H. Jordan

Date:

7/3/09



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE USE BY MAINE STATE POLICE EMPLOYEES OF MOBILE ELECTRONIC COMMUNICATION DEVICES AND USE OF SPILLMAN WHEN OPERATING STATE VEHICLES

**NUMBER:** E-113

**EFFECTIVE DATE:** 07.25.2018 | **RECENT HISTORY:** AMENDED (07.25.2018); AMENDED (11.10.2016); AMENDED (04.27.2015); REVISED (INCORPORATING AND RESCINDING MSP PD 2013-001)(05.16.2014); REVISED (03.07.2012); NEW; RESCINDS MSP PD 2010-001 (03.08.2011)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the use by Maine State Police employees of mobile electronic communication devices when operating State vehicles, as well as a requirement for sworn State Police officers to log into the Spillman mobile client while using State vehicles equipped with a docking station.

### II. POLICY

1. As a matter of personal safety, and the safety of the general public:
  - A. When operating a State vehicle, an employee of the Maine State Police must close and not use any mobile data terminal in the vehicle;
  - B. When operating a State vehicle, an employee of the Maine State Police shall only use a cellular telephone in a "hands-free" mode;
  - C. When operating a State vehicle, an employee of the Maine State Police shall not use any mobile electronic communication device for the purpose of text messaging.
    1. This prohibition on texting does not preclude the use of a mobile electronic communication device for hands-free, voice-activated and -controlled texting.
2. As a matter of officer safety, and for visual availability at the RCC dispatch centers through Spillman, all sworn State Police officers using a State vehicle equipped with a Mobile Data Terminal (MDT) and vehicle dock shall log into Spillman mobile client, regardless of whether on or off duty.

**Note:** *The use of any electronic mobile communications device when operating a motor vehicle – even in a "hands-free" mode – presents inherent safety risks. Accordingly, when operating a vehicle, Maine State Police employees should only use such devices when necessary or warranted, and only then to the extent any such use is permitted by this policy and applicable law.*

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Mobile electronic communication device. "Mobile electronic communication device" means a device that is not part of the operating equipment of a motor vehicle, including, but not limited to, a cellular telephone, an electronic game, a device for sending or receiving electronic mail or instant messaging, a device that may be used for text messaging, or a computer (such as a mobile data terminal).
  - B. Operating. "Operating" means the active use of a motor vehicle, including, but not limited to, the driving of a motor vehicle on a public or private way. "Operating" includes circumstances in which a motor vehicle is temporarily idling at a traffic control device such as a traffic light or stop sign. "Operating" does not include the use of a motor vehicle, with or without its motor running, when the vehicle is in a stationary location to the side of, or off, a public or private way, or in a location where a motor vehicle may be temporarily parked such as a parking lot.
  - C. State vehicle. "State vehicle" means any vehicle owned, leased, or rented by the State of Maine, or any agency or employee thereof, to conduct official State business.
  - D. Text messaging. "Text messaging" (also known as "texting") means reading from or entering data in any mobile electronic communications device, including, but not limited to, e-mailing, instant messaging, accessing the Internet, or engaging in any form of electronic data retrieval or electronic data communication.

### IV. PROCEDURE

1. USE OF MOBILE DATA TERMINALS, CELLULAR TELEPHONES, AND MOBILE ELECTRONIC COMMUNICATION DEVICES
  - A. When operating a State vehicle, an employee of the Maine State Police must close and not use any mobile data terminal that in fact is in the vehicle.
    1. If using a tablet, the screen of the tablet must be turned off or in a sleep mode when an employee is operating a State vehicle.
  - B. When operating a State vehicle, an employee of the Maine State Police shall only use a cellular telephone in a "hands-free" mode.
  - C. When operating a State vehicle, an employee of the Maine State Police shall not use any mobile electronic communication device for the purpose of text messaging.
    1. This prohibition on texting does not preclude the use of a mobile electronic communication device for hands-free, voice-activated and -controlled texting.
  - D. If ScreenSafe or similar software has been installed on an employee's mobile data terminal, the software must not be tampered with or otherwise rendered inoperable, unless a member of the Command Staff, or a person designated as an administrator with authority to temporarily disable the system, has given express prior authorization to do so.
    1. An employee shall immediately notify his or her supervisor if such software stops functioning as designed.

***Note: The prohibitions stated in this section are not intended to preclude the use of MDTs, cellular telephones, or mobile electronic devices at emergency scenes that occur on or near a public or private way. If, for example, an emergency incident occurs in which a State vehicle must be parked on a public or private way in order to block or redirect traffic, MDTs, cellular telephones, and mobile electronic devices may still be used by the employee operating the vehicle.***

#### 2. SPILLMAN MOBILE CLIENT

- A. Whether on- or off-duty, all sworn Maine State Police officers using a State vehicle equipped with a Mobile Data Terminal (MDT) and vehicle dock shall log into and remain logged into Spillman mobile client while in their assigned (permanent or

spare) State vehicles.

1. Each officer shall remain logged into Spillman mobile client for the duration of the member's scheduled shift, overtime detail, or off-duty usage of the vehicle.
  2. Each officer shall advise dispatch of the officer's work status over the Land Mobile Radio (LMR) and/or change his or her status as needed directly on the Spillman mobile client.
  3. Each officer shall log out of Spillman prior to shutting off the computer or allowing the computer to shut off through the vehicle timer once no longer on duty.
3. This policy does not prohibit the use of a State-issued or personal mobile electronic communication device by a passenger riding in a State vehicle.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING SERVING AND RESPONDING TO INCIDENTS INVOLVING INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING

**NUMBER:** E-116

**EFFECTIVE DATE:** 10.25.2012 | **RECENT HISTORY :** NEW (10.25.2012)

**DISTRIBUTION:** 2

### I. PURPOSE

1. The purpose of this General Order is to state the policy of the Maine State Police regarding serving and responding to incidents involving individuals who are deaf or hard of hearing.

### II. POLICY

1. In accordance with our legal obligations under the Americans with Disabilities Act and the Federal Rehabilitation Act, the policy of the Maine State Police is to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. To that end, this policy is established.

### III. DEFINITIONS

1. For the purpose of this order, the following words and terms have the meanings given:
  - A. None.

### IV. PROCEDURE

1. GENERAL DISCUSSION
  - A. Individuals who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons. Accordingly, the Maine State Police will make every effort to ensure that its officers and employees communicate effectively with individuals who are deaf or hard of hearing.
  - B. The input of individuals who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including people who are deaf or hard of hearing.
  - C. Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
2. USE OF AUXILIARY AIDS AND SERVICES
  - A. Various types of communication aids -- known as "auxiliary aids and services" -- are

used to communicate with people who are deaf or hard of hearing. These include:

1. Use of gestures or visual aids to supplement oral communication;
  2. Use of a notepad and pen or pencil to exchange written notes;
  3. Use of an assistive listening system or device to amplify sound for persons who are hard of hearing;
  4. Use of a qualified oral or sign language interpreter.
- B. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
1. In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing.
  2. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard of hearing.
  3. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.
- C. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless:
1. There is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or
  2. Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden.
    - a. Only the Colonel of the Maine State Police, or the Colonel's designee or designees, may make this determination.
- D. Individuals who are deaf or hard of hearing cannot be charged for the cost of an auxiliary aid or service needed for effective communication.
3. ON-CALL INTERPRETATIVE SERVICES
- A. The Maine State Police shall utilize any of the on-call interpretative services providers listed on the State of Maine Division of Purchases "American Sign Language Interpretation Services" website:  
<http://www.maine.gov/purchases/contracts/americansignlang.shtml>
4. TTY AND RELAY SERVICES
- A. In situations in which a non-disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD).
- B. Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.
5. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY
- A. Officers may utilize the following auxiliary aids, when available, to communicate effectively with a person who is deaf or hard of hearing:
1. Use of gestures;
  2. Use of visual aids;
  3. Use of a notepad and pen or pencil;

4. Use of a computer or typewriter;
  5. Use of an assistive listening system or device;
  6. Use of a teletypewriter (TTY);
  7. Use of a qualified oral or sign language interpreter.
6. REFERENCE: *Communicating with People Who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*
- A. Officers must review and have a general working knowledge of the publication [\*Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers.\*](#)
    1. This document reviews how officers should communicate effectively in the types of situations officers will encounter.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



# MAINE STATE POLICE GENERAL ORDER

## E-117

**SUBJECT:** MAINE STATE POLICE STUDENT INTERNSHIP PROGRAM

**NUMBER:** E-117

**EFFECTIVE DATE:** 10.29.2018

**RECENT HISTORY:** TECHNICAL AMENDMENT (ADDITION OF CROSS-REFERENCE TO MSP GO M-6; MINOR FORMATTING EDITS)(10.29.2018); AMENDED (10.05.2018); NEW (03.09.2012)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to formally establish the Maine State Police Student Internship Program.

### II. POLICY

1. The policy of the Maine State Police is for the agency to offer and administer an internship program in which college undergraduate and graduate students may participate to earn college course credits.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Applicant. "Applicant" means a student enrolled in an undergraduate or graduate program at a post-secondary educational institution.
- B. Colonel. "Colonel" means the Chief of the Maine State Police or designee.
- C. Intern. "Intern" means a student participating in the Maine State Police Student Internship Program.
- D. Post-secondary educational institution. "Post-secondary educational institution" means an accredited university, college, community college, or technical school.
- E. Student Internship Program Coordinator. "Student Internship Program Coordinator" means the Corporal of Recruitment and Training, whose responsibilities include administering the Maine State Police Student Internship Program.

#### **IV. PROCEDURE**

##### **1. MAINE STATE POLICE STUDENT INTERNSHIP PROGRAM GENERALLY**

- A. A student internship is a structured educational experience that incorporates practical application of classroom instruction in the workplace for the benefit of the intern.
- B. Through the internship experience, an intern is provided the opportunity to improve his or her basic work skills, test career choices, develop professional competence, and witness classroom theories and principles being applied in real world situations. For those seeking a career in public service, a student internship in some instances may serve as a link to future employment.
- C. The internship program established by this order offers an uncompensated educational program for undergraduate and graduate students attending post-secondary educational institutions. Student internship positions are non-sworn, volunteer positions that are available during the Fall, Spring, and Summer semesters, regardless of academic major.
- D. Under close supervision, interns will job shadow sworn Troopers as they conduct day-to-day agency operations, including, but not limited to:
  - 1. Responding to calls for service;
  - 2. Traffic enforcement;
  - 3. Criminal investigations; and
  - 4. Courtroom testimony.

- E. Interns will also have the opportunity to observe the operations of other Maine State Police units such as, for example, the Tactical Team, Canine Team, Commercial Motor Vehicle Unit, the Maine State Police Crime Laboratory, and the Computer Crimes Unit.
- F. Interns may also assist Maine State Police employees with office tasks or projects that do not require the status of a sworn member.
- G. **At no time will an intern be placed in an operational role or capacity, as the safety of each intern is paramount.**

- 1. **Interns accompanying officers in Maine State Police vehicles are to be regarded as having civilian status, and therefore they may not be in a vehicle that is engaged in a high-speed vehicular pursuit. See MSP GO M-6, MAINE STATE POLICE POLICY REGARDING MOTOR VEHICLE PURSUITS [1].**

- H. Interns shall wear business civilian attire or other designated, Maine State Police approved apparel, and are not authorized to wear a Maine State Police uniform.
- I. In determining the specific placement of an intern, the Maine State Police will consider the intern's academic background and interests, the agency's operational needs, and the proximity of student internship positions to an intern's residence.
- J. Applicants interested in serving as an intern with the Maine State Police may apply for the program by completing an online application available at the following URL:

[http://www.maine.gov/dps/msp/internship\\_program.html](http://www.maine.gov/dps/msp/internship_program.html)

Questions regarding internship positions are to be directed to the Maine State Police Student Internship Program Coordinator at 15 Oak Grove Rd. Vassalboro, Maine 04989, or (207) 877.8004.

- K. Applicants who inquire about forensic science internships should be advised that the Maine State Police also offers a separate internship opportunity with the Maine State Police Crime Laboratory.
  - 1. The Crime Lab has its own protocol and guidelines for its internship program. Individuals interested in participating in an internship with the Crime Lab should be advised to contact the Crime Lab Sergeant, who serves as the Student Internship Coordinator for the lab.

## 2. APPLICATION PROCESS

- A. To be considered for a student internship, an applicant must submit a complete application package.
1. A copy of the application and instructions on how to complete and submit the application may be found at the following URL:  
  
[http://www.maine.gov/dps/msp/internship\\_program.html](http://www.maine.gov/dps/msp/internship_program.html).
- B. Applications may also be obtained by contacting the Maine State Police Student Internship Program Coordinator.
- C. Applicants must be students currently enrolled in an undergraduate and graduate program at a post-secondary learning institution, and must be enrolled in a school sponsored, for-credit internship course.
- D. A student internship application will not be considered by the Maine State Police unless the application form has been fully completed and the following materials have also each been submitted with an application:
1. A copy of the applicant's current, up-to-date resume;
  2. A letter from an appropriate academic advisor at the applicant's college or university recommending the applicant's participation in the internship program.
    - a. This letter must also include the following information:
      - (1) The number of credits the applicant would receive for completing the internship;
      - (2) The number of required hours the applicant must participate in the internship program to satisfy the school's internship course/credit requirements;
      - (3) Verification that the applicant has a grade point average of 2.5 or greater, and has earned 24 or more credit hours at the time of application;
  3. A completed Volunteer Internship Program Authorization for Release of Personal Information (see Part III of the application available online).

- E. The deadlines for returning a completed application and all accompanying materials to the Maine of State Police are as follows:
1. For a Fall semester student internship program position: On or before July 1;
  2. For a Spring semester student internship program position: On or before December 1;
  3. For a Summer semester student internship program position: On or before April 1.
- F. Upon receipt of the completed application and all required accompanying materials, a screening committee will determine, after considering the following, whether the applicant will proceed to an oral board:
1. Reviewing and assessing the application and all required accompanying materials submitted by the applicant;
  2. Reviewing and assessing the results of a background investigation conducted on the applicant.
    - a. If the background investigation reveals conduct or circumstances that would provide a basis for possible disqualification from the student internship program, the applicant will be notified of this result and be permitted an opportunity to offer an explanation regarding such conduct or circumstances;
  3. Reviewing and assessing the academic advisor's recommendation letter; and
  4. Assessing the operational needs of the agency.
- G. After successful completion of an oral board, the Maine State Police will notify each applicant and the applicant's college or university about whether the applicant has been accepted into the student internship program.
1. The Maine State Police shall notify each applicant and the post-secondary institution where the applicant is enrolled.
- H. At any time the Maine State Police may rescind an offer for a student internship program position.
1. The Maine State Police shall notify an applicant and the applicant's post-secondary learning institution if an offer for

a student internship program position that has been made to the applicant is rescinded.

- I. At any time the Maine State Police may immediately terminate a student internship program position.
  1. The Maine State Police shall notify a student internship program participant and his or her post-secondary learning institution if the participant's student internship position is terminated.

### 3. ORIENTATION

- A. All applicants accepted into the student internship program must attend an orientation seminar. All such applicants will be notified in writing of the specific date and location of the orientation.
- B. At this orientation seminar, such applicants shall:
  1. Complete a Maine State Police Internship Confidentiality Agreement;
  2. Complete a Maine State Police Internship Program Participant Release and Waiver of Liability, Assumption of Risk and Indemnity Agreement;
  3. Receive a copy of the State of Maine Policy Prohibiting Discrimination, Harassment, or Hostile Environment in the Workplace;
  4. Receive a work assignment, work location, and direct supervisor's contact information; and
  5. Receive any other State of Maine, Department of Public Safety or Maine State Police policy, procedure or documentation relevant to the internship program.

### 4. SUPERVISION OF INTERNS

- A. The Colonel will be responsible for the overall student internship program oversight and for maintaining a central repository for all student internship files and correspondence.
- B. The Colonel shall intercede, as necessary, and take any appropriate action regarding any issue that arises concerning the student internship program.
- C. An intern's direct supervisor shall provide the intern with an overview of the key functions of the unit to which the intern has been assigned (including any training required) before assigning specific responsibilities to the intern.

1. In addition, the intern's direct supervisor shall:
  - a. Monitor the performance of the intern, utilizing the best practices of workplace professionalism, safety, and security;
  - b. Notify the Colonel regarding any issue that significantly impacts upon the intern's performance of duties;
  - c. Ensure that a daily observation form assessing the intern's performance is completed by the member of the agency with whom the intern has been assigned to work during a given shift;
  - d. Compile and forward to the Maine State Police Student Internship Program Coordinator all daily observation reports and project completion reports, and -- at the conclusion of the internship period -- attach a letter outlining the intern's overall performance during the internship program.

5. STUDENT INTERNSHIP PROGRAM COORDINATOR RESPONSIBILITIES

- A. The Student Internship Program Coordinator shall accept and preliminarily screen applications for completeness.
- B. The Student Internship Program Coordinator shall coordinate scheduling and oversee the administration of all program-related processes, such as, for example, coordinating and communicating with applicants and their respective academic advisors, scheduling applicant screening committee meetings and oral boards, and -- at the conclusion of the internship period -- completing an assessment of the overall performance of each intern participating in the program.
- C. To ensure for consistent implementation and administration of the program Statewide, the Student Internship Program Coordinator shall have oversight of designated Troop student internship program liaisons as it relates to program structure and administration.

**ATTACHMENTS**

**INTEGRITY QUESTIONNAIRE CERTIFICATION**

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY**

**ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



**MAINE STATE POLICE  
STUDENT INTERNSHIP PROGRAM**

**INTEGRITY QUESTIONNAIRE CERTIFICATION**

**You have been** selected to participate in an oral board as part of the process of applying for an opportunity to participate in the Maine State Police Student Internship Program (“Program”). Prior to the oral board, please complete each section of the attached Integrity Questionnaire (“questionnaire”) in its entirety. Your questionnaire responses will be placed in your Program application file and be reviewed by a screening committee prior to the oral board.

**NOTICE**

**Please note the following at this time:**

1. Any information you disclose in the questionnaire might be used and referenced by the Maine State Police in the future if you apply for full-time employment with the agency at a later time;
2. A knowing failure to accurately and/or truthfully complete the Program questionnaire is grounds to disqualify you from further consideration for an opportunity to participate in the Program, and is also grounds to immediately terminate your opportunity to participate in the Program should you be eventually selected to take part in the Program.

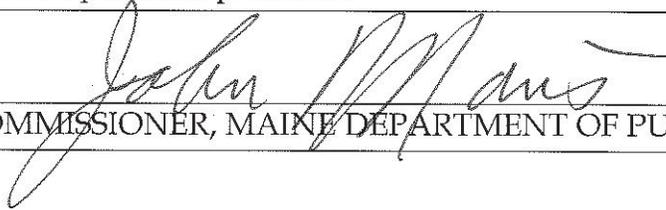
**I HAVE READ AND UNDERSTAND THE ABOVE NOTICE, AND CERTIFY that all information I have provided in each questionnaire response is accurate and truthful, to the best of my knowledge and belief.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_



**MAINE DEPARTMENT OF PUBLIC SAFETY  
GENERAL ORDER**

<b>SUBJECT:</b>	Maine Department of Public Safety Policy Regarding the Impact of Domestic Violence and Sexual Assault on the Workplace
<b>NUMBER:</b>	DPS-120
<b>EFFECTIVE DATE</b>	05.09.2014
<b>HISTORY:</b>	AMENDED (05.09.2014); NEW (03.24.2014)
<b>DISTRIBUTION</b>	2; All Department personnel
	
	COMMISSIONER, MAINE DEPARTMENT OF PUBLIC SAFETY

**I. PURPOSE**

1. The purpose of this policy is to raise awareness and provide guidance, education, and resources to employees, supervisors, and managers to address the occurrence of domestic violence and sexual assault and their effects on the workplace. In their work, employees of the Department of Public Safety share the mission of the Department to protect the lives, rights, and property of Maine citizens. Accordingly, this policy aims to hold Department employees to a high standard of behavior.

**II. POLICY**

1. This policy of the Department is:
  - A. To provide a safe workplace environment that supports prevention and intervention when risks are presented by domestic violence and sexual violence offenders;
  - B. To respond to employees who are victims of such violence, and provide assistance nonjudgmentally and with compassion; and

- C. To respond to employees who commit such violence, and provide discipline when appropriate.

### III. DEFINITIONS

1. For the purposes of this policy, the terms included in this section are defined as follows, unless otherwise indicated in the policy.

- A. Department. "Department" means the Department of Public Safety.
- B. Domestic violence. "Domestic violence" means a pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in a relationship. This behavior may include any of the following:

1. Physical violence;
2. Sexual abuse;
3. Emotional and psychological intimidation;
4. Verbal abuse and threats;
5. Stalking;
6. Isolation from friends and family;
7. Economic control;
8. Destruction of personal property; and
9. Animal cruelty.

Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds; in heterosexual and same-sex relationships; and between married and unmarried partners, current and former partners, and other family and household members.

- C. In the workplace. "In the workplace" means any circumstance in which a Department of Public Safety employee - whether a full-time or part-time employee, or a contractor - is:

1. On-duty;
2. In State-owned or -leased work space;
3. Using the facilities or services of the State;

4. Wearing a uniform or official insignia identifying the office or position of the employee or contractor; or
5. In or using a vehicle owned or leased by the State or its agencies.

In any such circumstance, the employee is considered "in the workplace."

- D. Perpetrator. "Perpetrator" means a person who has allegedly or in fact committed domestic violence or sexual assault, or engaged in stalking.
- E. Sexual assault. "Sexual " means an act of sexual violence whereby a person forces, coerces, or manipulates another person to participate in unwanted sexual activity. Sexual assault is an umbrella term for a variety of different victimizations, including, but not limited to, sexual harassment and gender-based bullying, sexual coercion, commercial sexual exploitation and sex trafficking, child sexual abuse, elder sexual abuse, unwanted sexual contact, sexual abuse by a caregiver, drug- and alcohol-facilitated sexual assault, a power differential which makes sexual contact inappropriate or illegal (e.g., student-teacher or doctor-patient), sexual assault, and sexual violence within the context of an intimate relationship. Any sexual activity with a person who is unable to give consent is considered sexual violence. This includes, but is not limited to, a person who is asleep, impaired, under the influence of drugs and alcohol, an incapacitated or dependent adult, and a child under the age of 14.
- F. Stalking. "Stalking" means the act of intentionally or knowingly engaging in a course of conduct directed at or concerning a specific person that would cause a reasonable person:
  1. To suffer serious inconvenience or emotional distress;
  2. To fear bodily injury or to fear bodily injury to a close relation;
  3. To fear death or to fear the death of a close relation;
  4. To fear damage or destruction to or tampering with property; or
  5. To fear injury to or the death of an animal owned by or in the possession and control of that specific person.
- G. Workplace safety plan. "Workplace safety plan" means a strategy developed in collaboration with a victim to implement workplace safety options, including, but not limited to:

1. Setting up procedures for alerting security or law enforcement officers;
2. Temporary relocation of a victim to a secure area;
3. Voluntary temporary transfer or permanent relocation to a new work site;
4. Reassignment of parking space;
5. Escort for entry to and exit from the work site;
6. Responding to telephone, fax, e-mail, text, or mail harassment; and
7. Keeping a photograph of a perpetrator and/or a copy of an existing court order in a confidential on-site location, and providing copies of such to designated personnel.

H. Victim. "Victim" means an individual who has been subjected to domestic violence, sexual assault, or stalking.

#### IV. PROCEDURE

##### 1. STATEMENT OF CONFIDENTIALITY

- A. The Department recognizes and respects a victim's need for autonomy and confidentiality. To the extent permitted by law, and unless the substance of an employee's disclosure of being a victim demands otherwise, the Department will maintain the confidentiality of the employee's disclosure and share disclosed information only on a "need-to-know" basis when concerns of immediate risk to any employee arise.
- B. If an employee's disclosure indicates that there exists reasonable cause to suspect abuse, neglect, or exploitation of children or incapacitated or dependent adults, reporting of such to appropriate authorities might be mandatory.<sup>1</sup>

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<sup>1</sup> Certain persons are "mandated reporters" of abuse, neglect, or exploitation of children, and abuse, neglect, or exploitation of incapacitated or dependent adults. Mandated reporters include, but not limited to, law enforcement officials. See 22 M.R.S.A. § 4011-A; 22 M.R.S.A. § 3477. In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect, or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.

- C. Further disclosure may be necessary if the perpetrator presents a threat to the safety of any person in the workplace, or the victim has expressed homicidal or suicidal intentions.
  - D. Whenever possible, the victim will be given prior notice of any necessary further disclosures of the information he or she has provided.
2. REPORT OF ACTUAL, IMMINENT, AND POTENTIAL THREATS OF VIOLENCE IN THE WORKPLACE
- A. In any circumstance in which an employee is experiencing or witnessing violence in the workplace or violence toward any employee appears imminent, that employee – if possible – is to immediately call 9-1-1, as well as any other appropriate emergency number.
  - B. In any circumstance in which an employee becomes aware of a potential threat of violence to any person in the workplace (including to the employee him- or herself), that employee is to report the threat to a supervisor, manager, appropriate human resources personnel, or the Bureau Director for whom the employee works, as soon as practicable.
3. INCREASED EMPLOYEE AWARENESS
- A. The Department will increase employee awareness of the occurrence of domestic violence and sexual assault, and inform employees of community resources available for victims of such acts. The methods used may include, but are not limited to, the following:
    - 1. Posting at Department work sites information regarding the impact of domestic violence and sexual assault on the workplace;
    - 2. Posting at Department work sites information about community resources that are available to victims of domestic violence or sexual assault. This information may include available sources of assistance such as availability of the State's confidential Employee Assistance Program, domestic violence resource centers, sexual assault support centers, and the names of human resources personnel who are trained and available to serve as confidential sources of information, support, or referral;

3. Including information about community resources that are available to victims of domestic violence or sexual assault as part of the new Department employee orientation;
4. Including a copy of this policy in the new employee orientation packet;
5. Conducting domestic violence and sexual assault awareness activities in staff meetings, other programs, and health and wellness programs;
6. Providing copies of this policy to employees and members of the general public upon request;
7. Requiring employees to review and complete the Domestic Violence in the Workplace Online Training on an annual basis.

#### 4. EMPLOYEES AFFECTED BY DOMESTIC VIOLENCE AND SEXUAL ASSAULT

- A. The Department seeks to offer support and referrals for assistance to those employees who disclose that they are victims of domestic violence or sexual assault.
- B. The Department is committed to the effective enforcement of protection orders. In this regard, an employee is encouraged to provide a copy of a protection order issued pursuant to a petition filed by the employee to the employee's supervisor or manager (especially when the workplace is listed on the order), so that every attempt can be made by the Department to take steps to enforce the order and protect that employee and others. The employee is encouraged to keep a current copy of the protection order immediately available in the workplace.
- C. Nothing in this policy should ever deter a sworn law enforcement officer from reporting any criminal conduct, in accordance with Maine law and Department policy.

#### 5. RESPONSE AND ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

- A. If an employee discloses that he or she is a victim of domestic violence to a coworker, that coworker should avoid victim-blaming and assure the employee that he or she is not alone and is not to blame; that there is help available; and that the coworker is concerned about the victim's safety. The coworker should encourage the victim to speak with a designated Department responder (see Appendix D) or human resources personnel and

ask the coworker's permission to share the information with a designated Department responder or human resources personnel. The coworker also may wish to refer the victim to:

1. Available community resources, including the domestic violence projects listed in Appendix A of this policy;
  2. The State's confidential Employee Assistance Program. Information about the program may be accessed 24 hours a day by calling 1-800-451-1834;
  3. Other individuals within the Department who may be able to provide assistance to the victim, such as human resources personnel, a designated Department responders (see Appendix D), and the victim's supervisor or Bureau Director;
  4. Sections of this policy that support safety planning and assistance to victims of domestic violence.
- B. Supervisors are responsible for communicating that domestic violence is behavior that will not be tolerated in the workplace and that the Department will actively provide information and support to employees who are victims of such violence.
1. Supervisors shall ensure that each employee is provided with access to a copy of this policy.
- C. A supervisor or manager who becomes aware that an employee is a victim of domestic violence shall refer the employee to human resources personnel or a designated Department responder (see Appendix D). The designated Department responder is to:
1. Offer the victim information about appropriate community organizations for support, which include, for example, the domestic violence resource centers listed in Appendix A of this policy;
  2. Advise the employee that assistance is also available through the State's confidential Employee Assistance Program. Information about the program may be accessed 24 hours a day by calling 1-800-451-1834;
  3. Inform the employee of leave that may be used for the purposes of accessing domestic violence services, counseling, obtaining medical

treatment, attending legal proceedings, or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault, or stalking, in accordance with 26 M.R.S.A. § 850, *Employment Leave for Victims of Violence*. Leave benefits may include, as applicable:

- A. Sick leave;
  - B. Vacation leave;
  - C. Family and Medical Leave Act leave;
  - D. Unpaid leave; or
  - E. Catastrophic Leave Bank leave;
4. Offer to assist the victim in developing a workplace safety plan. If the victim and perpetrator are both employed by the Department, the workplace safety plan should make accommodations to protect the victim from any risks presented by the perpetrator. The needs of the victim are of primary importance, and isolating the perpetrator from the victim is preferred if relocation for safety purposes is an issue.
- D. Designated Department responders (see Appendix D) will receive appropriate training on domestic violence in the workplace, including how to respond to victims of sexual assault.
- E. Performance issues. This policy recognizes that victims of domestic violence may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by domestic violence, referrals and assistance should be offered in accordance with this policy. When a victim has performance or conduct problems as a result of domestic violence, sexual assault, or stalking, the Department will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

## 6. RESPONSE AND ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

- A. If an employee discloses that he or she is a victim of sexual assault to a coworker, that coworker should avoid victim-blaming and assure the employee that he or she is not alone and is not to blame; that there is help available; and that the coworker is concerned about the victim's safety. The coworker should encourage the victim to speak with a designated Department responder (see Appendix D) or human resources personnel and ask the coworker's permission to share the information with a designated Department responder or human resources personnel. The coworker also may wish to refer the victim to:
1. Available community resources, including the sexual assault support centers listed in Appendix B of this policy;
  2. Information and support services that can be accessed 24 hours a day by calling 1-800-871-7741 or TTY 1-888-458-5599;
  3. The State's confidential Employee Assistance Program. Information about the program may be accessed 24 hours a day by calling 1-800-451-1834;
  4. Other individuals within the Department who may be able provide assistance to the victim, such as human resources personnel and the victim's supervisor or Bureau Director.
- B. Supervisors are responsible for communicating that sexual violence is behavior that will not be tolerated in the workplace and that the Department will actively provide information and support to employees who are victims of such violence.
1. Supervisors shall ensure that each employee is provided with access to a copy of this policy.
- C. A supervisor or manager who becomes aware that an employee is a victim of sexual assault shall refer the employee to human resources personnel or a designated Department responder (see Appendix D). The designated Department responder is to:

1. Offer the victim information about appropriate community organizations for support, including the sexual assault support centers listed in Appendix B of this policy;
  2. Inform the victim that assistance is also available through the State's confidential Employee Assistance Program. Information about the program may be accessed 24 hours a day by calling 1-800-451-1834;
  3. Inform the employee of leave that may be used for the purposes of accessing services, counseling, obtaining medical treatment, attending legal proceedings, or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault, or stalking, in accordance with 26 M.R.S.A. §850, *Employment Leave for Victims of Domestic Violence*. Leave benefits may include, as applicable:
    - A. Sick leave;
    - B. Vacation leave;
    - C. Family and Medical Leave Act leave;
    - D. Unpaid leave; or
    - E. Catastrophic Leave Bank leave.
- D. Designated Department responders will receive appropriate training on domestic violence in the workplace, including how to respond to victims of sexual assault.
- E. Performance issues. This policy recognizes that victims of sexual assault may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by a sexual assault that has occurred, referrals and assistance should be offered in accordance with this policy. When a victim has performance or conduct problems as a result of domestic violence, sexual assault, or stalking, the Department will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

## 7. REQUIREMENTS OF AND RESPONSE TO AN EMPLOYEE WHO IS A PERPETRATOR

- A. If an employee is concerned that another employee is a perpetrator of domestic violence or sexual assault, that coworker should, as soon as practicable, bring his or her concerns to a supervisor or human resources personnel. For reasons of safety and liability, the coworker is not to directly address his or her concerns with the other employee.
- B. An employee of the Department must disclose and provide a copy to the employee's Bureau Director - or in the case of the Maine State Police, the employee's Troop or Unit Commander - any order for protection from abuse or harassment issued against the employee, or any criminal charge or any condition of bail or probation applicable to the employee that includes, but is not limited to:
  - 1. Conditions prohibiting or limiting contact with other employees of the Department or with other individuals or locations of employment;
  - 2. Conditions that may interfere with the employee's ability to perform job duties. These conditions include, but are not limited to, the use or possession of firearms. **NOTE:** Any protection order entered against a law enforcement officer or employee of the Bureau of Consolidated Emergency Communications is considered to interfere with that employee's ability to perform assigned duties of the position and existence of the order must be reported immediately.
  - 3. Failure to disclose the above information will result in administrative action, which may result in corrective and disciplinary action, up to and including termination.
- C. The Department encourages employees who are perpetrators to voluntarily seek assistance from any of the resources listed in Appendix C of this policy and/or the State's confidential Employee Assistance Program. Information about the Employee Assistance Program may be accessed 24 hours a day by calling 1-800-451-1834
- D. An employee who is in law enforcement and carries a firearm as a condition of employment, and who is a named defendant in a temporary or permanent protection order, or who is otherwise prohibited by court order, bail

conditions, criminal conviction, or probation conditions from carrying a firearm, will be subject to administrative action, which may include disciplinary action, up to and including termination.

- E. Absent a court order, only the Commissioner or designee will have the authority to require the surrendering of an employee's firearm.
- F. An employee who is found misusing any State resources such as work time, workplace telephones, cell phones or any other electronic communication medium, facsimile machines, mail, computers, electronic mail, a State vehicle, a State credit card, State equipment, or other means to commit domestic violence, sexual assault, harassment, or stalking will be subject to corrective and disciplinary action, up to and including termination. In some cases, where there is a connection between off-duty conduct of this nature and one's employment with the State, that off-duty conduct may lead to disciplinary action, up to and including termination.
- G. A supervisor or manager who becomes aware of a protection order or other information regarding an employee who is a perpetrator shall keep that information confidential to the extent required by law, and may only discuss the information with others on a "need to know" basis.

## 8. DOCUMENTATION

- A. The Department's Human Resources Office will maintain, in a confidential file, copies of orders for protection from abuse and other documents that relate to incidents of domestic violence and sexual assault that have affected Department employees in the workplace. The Human Resources Office will develop necessary protocols to maintain records relating to employees' disclosures of such incidents.

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# MCEDV.

Maine Coalition to  
End Domestic Violence

Help is just a call away.

24 Hour • Toll Free • Confidential

1-866-834-HELP (4357)

National TTY: 1-800-787-3224



## Domestic Violence Resource Centers:

Aroostook  
Hope and Justice Project

Piscataquis  
Womancare

Penobscot  
Spruce Run

Kennebec & Somerset  
Family Violence Project

Hancock & Washington  
Next Step

Androscoggin, Franklin & Oxford  
SafeVoices

Knox, Lincoln, Sagadahoc & Waldo  
New Hope for Women

Cumberland  
Family Crisis Services

York County  
Caring Unlimited

## Domestic Violence Resource Centers

### Aroostook

*Hope and Justice Project*

formerly Battered Women's Project

[www.hopeandjusticeproject.org](http://www.hopeandjusticeproject.org)

754 Main St., Presque Isle, ME 04769

Admin: 207-764-2977 **Hotline: 1-800-439-2323**

### Piscataquis

*Womancare*

[www.wmncare.org](http://www.wmncare.org)

P.O. Box 192, Dover-Foxcroft, ME 04426

Admin & Hotline: 207-564-8165

**Hotline: 1-888-564-8165**

### Penobscot

*Spruce Run*

[www.sprucerun.net](http://www.sprucerun.net)

P.O. Box 653, Bangor, ME 04402

Admin: 207-945-5102 **Hotline: 1-800-863-9909**

### Kennebec & Somerset

*Family Violence Project*

[www.familyviolenceproject.org](http://www.familyviolenceproject.org)

P.O. Box 304, Augusta, ME 04332

Admin: 207-623-8637 **Hotline: 1-877-890-7788**

### Cumberland

*Family Crisis Services*

[www.familycrisis.org](http://www.familycrisis.org)

P.O. Box 704, Portland, ME 04104

Admin: 207-767-4952 **Hotline: 1-800-537-6066**

### Hancock & Washington

*Next Step*

[www.nextstepdvproject.org](http://www.nextstepdvproject.org)

P.O. Box 1466, Ellsworth, ME 04605

Admin: 207-667-0176 **Hotline: 1-800-315-5579**

### Androscoggin, Oxford & Franklin

*SafeVoices*

formerly Abused Women's Advocacy Project

[www.awap.org](http://www.awap.org)

P.O. Box 713, Auburn, ME 04212

Admin: 207-795-6744 **Hotline: 1-800-559-2927**

### Knox, Lincoln, Sagadahoc & Waldo

*New Hope for Women*

[www.newhopeforwomen.org](http://www.newhopeforwomen.org)

P.O. Box A, Rockland, ME 04841-0733

Admin: 207-594-2129 **Hotline: 1-800-522-3304**

### York

*Caring Unlimited*

[www.caring-unlimited.org](http://www.caring-unlimited.org)

P.O. Box 590, Sanford, ME 04073

Admin: 207-490-3227 **Hotline: 1-800-239-7298**

## Wabanaki Tribes of Maine Domestic Violence and Sexual Assault Services

### Aroostook Band of Micmac

[www.micmac-nsn.gov](http://www.micmac-nsn.gov)

7 Northern Rd., Presque Isle, ME 04769

Admin: 207-764-1972 or 1-800-750-1435

### Maliseet Domestic Violence & Sexual Assault Program

[www.maliseets.com](http://www.maliseets.com)

690 Foxcroft Rd., Houlton, ME 04730

Admin: 207-532-3000 **Hotline: 207-532-6401**

### Passamaquoddy Peaceful Relations

[www.wabanaki.com](http://www.wabanaki.com)

P.O. Box 343, Perry, ME 04667

Admin: 207-853-2600 **Hotline: 1-877-853-2613**

### Penobscot Indian Nation Domestic Violence & Sexual Assault Services Program

[www.penobscotnation.org](http://www.penobscotnation.org)

12 Wabanaki Way, Indian Island, ME 04468

Admin: 207-817-7469 **Hotline: 207-631-4886**

## Culturally Specific Community Organizations

### United Somali Women of Maine

[www.uswofmaine.org](http://www.uswofmaine.org)

207-753-0061

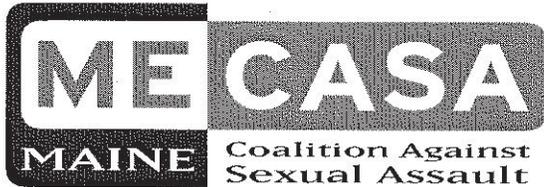
### Sudanese Development Institute of Maine

207-879-2281

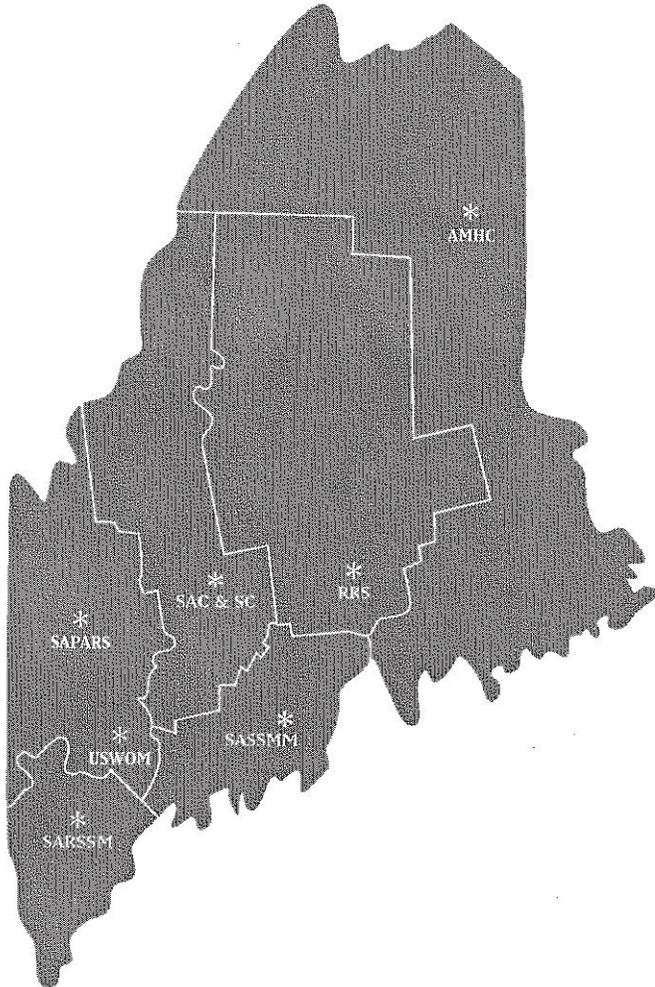
# MCEDV.

Maine Coalition to  
End Domestic Violence

[mcedv.org](http://mcedv.org)



Phone 207-626-0034  
 info@mecasa.org www.mecasa.org



**Support is just a  
 phone call away:**

**STATEWIDE SEXUAL ASSAULT  
 CRISIS & SUPPORT LINE  
 TOLL FREE: 1.800.871.7741  
 TTY: 1.888.458.5599**

### **AMHC Sexual Assault Services (AMHC)**

Serving Aroostook, Hancock, and Washington Counties  
[www.amhc.org](http://www.amhc.org)

### **Rape Response Services (RRS)**

Serving Penobscot & Piscataquis Counties  
[www.rrsonline.org](http://www.rrsonline.org)

### **Sexual Assault Prevention & Response Services (SAPARS)**

Serving Androscoggin, Oxford & Franklin Counties and the  
 towns of Bridgton and Harrison  
[www.sapars.org](http://www.sapars.org)

### **Sexual Assault Crisis & Support Center (SAC & SC)**

Serving Kennebec & Somerset Counties  
[www.silentnomore.org](http://www.silentnomore.org)

### **Sexual Assault Response Services of Southern Maine (SARSSM)**

Serving Cumberland & York Counties  
[www.sarsonline.org](http://www.sarsonline.org)

### **Sexual Assault Support Services of Midcoast Maine (SASSMM)**

Serving Eastern Cumberland, Sagadahoc, Knox, Waldo  
 & Lincoln Counties  
[www.sassmm.org](http://www.sassmm.org)

### **United Somali Women of Maine (USWOM)**

Serving Androscoggin & Cumberland Counties  
[www.uswofmaine.org](http://www.uswofmaine.org)

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## **OTHER SEXUAL VIOLENCE SERVICES**

Maliseet Domestic Violence and Sexual Assault Program  
 207.532.6401

Penobscot Nation, Domestic Violence  
 and Sexual Assault Services  
 207.817.7498

Passamaquoddy Peaceful Relations  
 1.877.853.2613

Maine Department of Corrections

Home → > Victim Services > Batterer Intervention Programs

# Certified Batterer Intervention Programs

County	Program	Address	Meeting Time/Location
ANDROSCOGGIN, FRANKLIN and OXFORD	Alternatives to Abuse (AWAP) (Male Program)	P.O. Box 713 Auburn ME 04212	Friday - 6:30 a.m.
		Coordinator: Rosemary Word  Certified until 7/17/2015	Saturday 8:00 a.m.
		Tel. (207)795-6744 x21 Tuesday	Calvary United Methodist Church 59 Sabattus Street Lewiston ME
			Monday - 6:00 p.m.
			57 Birch St. Lewiston ME
			Thursday 6:30 p.m.
			Congregational Church Main St., Wilton
			P.O. Box 713 Auburn, ME 04212

**Alternatives to Abuse** (Female Program)

Certified until  
4/17/2015

- Director: Kelley

Glidden

<b>AROOSTOOK</b>	<b>Northern New England Community Resource Center</b> (Male Program)	P.O. Box 164 Houlton ME 04730  (207)694-3066	Monday 6:00 p.m. Chamber of Commerce, Presque Isle  Tuesday 6:00 p.m. Cary Medical Center, Caribou  Wednesday 6:00 p.m. Houlton Regional Hospital, Houlton  P.O. Box 164 Houlton, ME 04730
	Certified until 5/3/2014		
	<ul style="list-style-type: none"> <li>• Director: Charles Moody</li> </ul>		
<b>CUMBERLAND</b>	<b>A Different Choice</b> (Male Program)	P.O. Box 1844 Portland, ME 04104	Monday 7:00 p.m.  St. Anne's Church, Windham ME  Tel. (207) 318-2313
	Certified until 11/13/2015		
	<ul style="list-style-type: none"> <li>• Director: Ellen Ridley</li> </ul>		
<b>CUMBERLAND and SAGADAHOC</b>	<b>Choices - The Men's Group</b> (Male Program)	14 Maine St. Brunswick ME 04011	Friday 9:00 a.m.  All classes are held at 1328 Washington St. Bath ME
	Certified until 1/29/2015	Tel. (207) 442-0181	
	<ul style="list-style-type: none"> <li>• Director: Mary O'Leary</li> </ul>		
<b>CUMBERLAND</b>	<b>Opportunity for Change</b> (Male Program)	Suite 140 222 St. John Street, Portland ME 04102	Mondays 6:00 p.m. 222 St. John St., Portland ME  Wednesday 7:00 a.m.  Community Corrections Center
	Certified until 6/7/2015	Tel. (207)774-4603	
	<ul style="list-style-type: none"> <li>• Director: Mary</li> </ul>		

		Campbell	Thursdays 4:30 p.m. 222 St. John Street, Portland ME
<b>HANCOCK and PENOBSCOT</b>	<b>Choice V</b> (Male Program)	185 Harlow Street Bangor ME 04402	Wednesdays 3 p.m. & 5:00 p.m. 185 Harlow Street Bangor ME
	Certified until 5/3/2014	(207)852- 9612	Tuesday 5:00 p.m.
	• Supervisor: Astor Gillis	59 Franklin St.#8 Ellsworth ME	59 Franklin St.#8 Ellsworth ME
	◦ Pete Ward	(207)667- 2730	
<b>KENNEBEC and SOMERSET</b>	<b>Menswork</b> (Male Program)	Prince of Peace Lutheran Church, 209 Eastern Avenue, Augusta ME 04330	Tuesday 7:00 p.m. Saturday 8:30 a.m. Menswork, P.O. Box 304, Augusta, ME 04332-0304
	Certified until 7/15/2015	Augusta ME 04330	Wednesday 5:00 p.m. Wednesday 7:30 p.m.
	• Director: Jon Heath	Tel. (207) 623-7252	Salvation Army Church Waterville ME
			<b>then</b> Monday 5:00 p.m. Thursday 7:30 p.m. Pleasant Street, Methodist Church in their library Waterville, ME
			Tuesday 5:00 p.m. Tuesday 7:30 p.m. Notre Dame de

Lourdes Parish Hall  
Skowhegan ME

5 Commerce Drive  
Skowhegan, ME  
04976

**Respect ME** (Female Program)

Certified until  
4/17/2015

- Director: Robert Rogers

**KNOX**

**Time for Change** (Male Program)

93 Park Street Wednesdays 6:00  
Rockland, ME p.m.  
04841

**LINCOLN**

Certified until  
4/29/2014

U.U. Church, Miller  
Tel. (207)594- Street, Belfast, ME  
0270 (behind Belfast Free  
Library)

**and**

**WALDO**

- Director: Amber Wotton

Thursdays 6:00  
p.m.; 93 Park Street,  
Rockland, ME

**Time for Change** (Female Program)

93 Park  
Street,  
Rockland, ME  
04841

Certified until  
6/13/2015

Tel. (207)594-  
0270

- Director: Amber Wotton

**PENOBSCOT**

**Batterers' Intervention Program** (Male Program)

One Monday 4:30 p.m.  
Cumberland  
Place One Cumberland  
Bangor ME Place  
04402 Bangor ME

Certified until  
9/3/2015

phone: (207)  
217-6588

- Director:

**PISCATAQUIS** Kathryn Maietta Fax: (207)  
 217-6587  
**DV Classes for Men** 572 Bangor Thursday 6:00 p.m.  
 (Male Program) Rd.  
 Dover- Charlotte White  
**Charlotte White** Foxcroft ME Center  
**Counseling Center** 04426  
 Annex Building  
 Certified until 59 River Street  
 11/7/2014 1-888-564- Dover-Foxcroft ME  
 2499  
 Annex-207-  
 564-7106  
 fax: 207-564-  
 8137

**Domestic Violence** 57 River Street  
**Classes for Women** Dover-Foxcroft, ME  
 (Female Program) 04426

Certified until  
 4/17/2015

- Director:  
 Stephen Madera

**WASHINGTON** **It's Not Okay** (Male 101 Kennebec Wednesday from  
 Program) Road 5:00 p.m.  
 Machias ME  
 Certified until Probation Office  
 9/1/2014 (207)255-  
 6682 Machias

- Richard and  
 Paula Rolfe

**Alternatives to**  
**Abuse** (Female  
 Program)

Certified until  
 2/19/2016

**YORK**

Executive Director  
Rebecca Hobbs  
(207) 667-0176

**Violence No More**  
(Male Program)

Certified until  
6/10/2015

- Director: Martin Burgess

110 Saco Falls Wednesday 5:30  
Way, Suite p.m. and 7:30 p.m.

425  
Biddeford ME Thursday 9:30 a.m.  
04005

26 South Street  
Tel. (207)283- Biddeford ME  
8574

Thursday 5:30 p.m.  
and 7:30 p.m.

Sanford Unitarian  
Church  
Main Street  
Sanford ME

P.O. Box 590  
Sanford, ME 04073

**Caring Unlimited**  
(Female Program)

Certified until  
4/29/2015

- Director: Cynthia Peoples

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MAINE DEPARTMENT OF PUBLIC SAFETY  
GENERAL ORDER

Maine Department of Public Safety Policy Regarding the Impact of  
Domestic Violence and Sexual Assault on the Workplace

APPENDIX D

For the purposes of this General Order, the following individuals are designated responders for the Maine Department of Public Safety:

Name	Bureau	Contact information
Dorothy A. Bonsant	SFMO	(207) 626-3894; <a href="mailto:dorothy.a.bonsant@maine.gov">dorothy.a.bonsant@maine.gov</a>
Lt. Scott W. Ireland	MSP	(207) 624-7211; <a href="mailto:scott.w.ireland@maine.gov">scott.w.ireland@maine.gov</a>
Lt. Anna H. Love	MSP	(207) 624-7281; <a href="mailto:anna.h.love@maine.gov">anna.h.love@maine.gov</a>
Sgt. Jonathan L. Wilson	MSP	(207) 624-7275; <a href="mailto:jonathan.l.wilson@maine.gov">jonathan.l.wilson@maine.gov</a>



# MAINE STATE POLICE GENERAL ORDER

## E-121

**SUBJECT:** MAINE STATE POLICE *GIGLIO* POLICY

**EFFECTIVE DATE:** 01.01.2019

**RECENT HISTORY:** AMENDED (01.01.2019); AMENDED (08.08.2016); AMENDED (03.02.2016); NEW (08.01.2014)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police *Giglio* policy.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To disclose to prosecutorial authorities *Giglio* information that pertains to past and current Maine State Police employees who likely or in fact will be witnesses in a criminal prosecution;
  - B. To require with this General Order that each Maine State Police employee who likely or in fact will be a witness in a criminal prosecution to proactively disclose to relevant prosecutorial authorities *Giglio* information pertaining to her- or himself.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
- B. *Giglio* information. "*Giglio* information" means credible information that, if true, would tend to adversely reflect upon the credibility of a witness for the State, including, but not limited to, a past or current sworn or civilian employee of a law enforcement agency.
  - 1. Such information includes, but is not limited to, any sustained finding that establishes a record of untruthfulness or bias on the part of a witness, as well as any conviction that adversely reflects upon the credibility of a witness.
  - 2. "*Giglio* information" does **not** include unsubstantiated allegations, rumors, or other inconclusive information regarding the possible untrustworthiness or bias of a witness.
- C. Maine State Police employee. "Maine State Police employee" means a sworn or civilian employee of the Maine State Police.
- D. Prosecutorial authority. "Prosecutorial authority" means a district attorney's office, a State Department of the Attorney General, a United States Attorney's Office, or the United States Department of Justice.

#### IV. PROCEDURE

##### 1. DISCUSSION

- A. In *Giglio v. United States*, 405 US 150 (1972), the United States Supreme Court established the disclosure requirements regarding information defined in Part III, Section 1, subsection B of this policy.
- B. The duty of a Maine State Police employee to disclose *Giglio* information is an affirmative one.**
- C. If a Maine State Police official knows of information that may be favorable to the defense in a criminal prosecution – including information that may be viewed as an adverse reflection upon the credibility of a Maine State Police employee who is likely or in fact will be a witness in a criminal prosecution – then that official **shall** disclose such information to the relevant prosecutorial authority, regardless of whether the defense knows about or has requested the information.
- D. Maine State Police employees who have been determined to be untruthful or biased are subject to having their testimony impeached at trial.
  - 1. Such employees also are subject to disciplinary action, up to and including termination of employment.

##### 2. PROCESS

- A. When requested to do so by a prosecutorial authority, the Colonel shall complete and submit a *Giglio* compliance form furnished by the prosecutorial authority, to that prosecutorial authority.
    1. As necessary, the Colonel shall update *Giglio* information about Maine State Police employees that has been provided by the Colonel to a requesting prosecutorial authority.
    2. The Colonel shall bring to the attention of the requesting prosecutorial authority any credible information about a Maine State Police employee that may reasonably be deemed *Giglio* information.
  - B. A Maine State Police employee who likely or in fact will be a witness in a criminal prosecution shall **proactively** disclose to the relevant prosecutorial authorities all *Giglio* information pertaining to her- or himself.
  - C. Each Maine State Police employee has a **continuing obligation** to update the Office of Professional Standards about *Giglio* information pertaining to her- or himself.
  - D. The Colonel may confer with any prosecutorial authority about any potential or actual *Giglio* information regarding a Maine State Police employee.
  - E. The Maine State Police shall maintain records of the Maine State Police employees who have been determined to have been untruthful or biased in any legal proceeding or investigation, including, but not limited to, Office of Professional Standards investigations.
    1. Upon request, the Maine State Police shall make such records accessible to prosecutorial authorities.
  - F. Maine State Police employees shall receive training regarding *Giglio* compliance.
3. **RESPONSIBILITY OF A PROSECUTING AUTHORITY AFTER RECEIVING POTENTIAL GIGLIO INFORMATION**
- A. After disclosure by the Colonel to a prosecutorial authority of credible information that has been determined to actually or potentially be *Giglio* information, that prosecutorial authority must determine whether the information must be further disclosed, as a matter of law.

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO**

**THIRD-PARTY CLAIMS, VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE USE OF THE DASHBOARD WEBSITE  
**NUMBER:** E-122

**EFFECTIVE DATE:** 11.11.2014 | **RECENT HISTORY :** NEW (11.11.2014)

**DISTRIBUTION:** 2

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish department guidelines for the use of the Maine State Police Dashboard website.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To maintain a single Internet page ("Dashboard") to facilitate communication throughout the agency, to consolidate links and electronic resources, and to serve as an electronic 'roll call' for critical information for each specific field Troop;
  - B. To have the Maine State Police Dashboard set as the homepage on browsers for all laptops issued to sworn personnel;
  - C. For personnel to open their browser and check the Dashboard website for new Statewide and Troop-level information as close as practicable to the beginning of a work assignment;
  - D. For initial call detail data from calls marked as "Priority 3" calls within the CAD system to be visible on the Dashboard website for a minimum of 3 days; and
  - E. For Troop Commanders, or their designees, to maintain timely notices and posts on the Dashboard in order to keep Troop personnel updated on information within the Troop.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Dashboard means the Maine State Police Dashboard-style website that compiles pertinent data related to Maine State Police activities for re-distribution to sworn officers.
  - B. Priority 3 calls mean calls within the DPS Communications Computer-Aided Dispatch (CAD) system that typically require an expedited or emergency response, contain significant officer-safety related information, or contain investigative information that other officers need to be aware of.

### IV. PROCEDURE

## 1. DASHBOARD GENERALLY

- A. The Dashboard is designed to compile relevant applications, web links, resources, and information on recent calls for service related to the Maine State Police into one location.
- B. The Dashboard must be set as the default page of the internet browser installed upon imaging of the laptop for issuance to a sworn officer. If the homepage is changed after being issued to a sworn officer, it must be changed back to the Dashboard as soon as the discrepancy is found. If a homepage needs to be reset, it can be done by calling the OIT helpdesk (624-7700)

## 2. USE OF DASHBOARD

- A. In order to access the Dashboard, units must be connected through an authorized encrypted connection.
- B. Sworn officers are to review posts, critical incidents, and other information listed on the Dashboard page for the Bureau and the Troop to which they are assigned as close as possible to the start of the shift, in order to be cognizant of any new information that may have developed.

## 3. PRIORITY 3 CALLS

- A. Certain types of calls entered into the CAD system are marked as high priority (Priority 3) calls by default. This priority number can be changed by a dispatcher as long as the call is still open.
- B. If a sworn officer is assigned to or supervising a call that is thought to contain information that would be of investigative or safety-related value to other officers, that officer should ask dispatch to ensure that the call is marked as "Priority 3" within CAD.
  1. Calls that are marked as Priority 3 are designed to appear on the Dashboard within fifteen (15) minutes of being designated with the Priority 3 status, regardless of whether the case is still open within the CAD system.
- C. If the significant information that makes a call a Priority 3 is not located in the initial dispatch note within CAD, the sworn officer is to ask dispatch to put that pertinent information into the initial call information so that the information will display on the Critical Incident list within the Dashboard.

## 4. OFFICERS AUTHORIZED TO POST INFORMATION

- A. Each Troop shall have one or more designated persons, assigned by the Troop Commanding Officer, responsible for updating information to either the Troop- or State-level bulletins. Each designee shall be responsible for adding content to the Troop page within the Dashboard.
  1. Each Troop designee will be instructed on how to add and remove postings from the Dashboard.
- B. Additionally, other units may designate individuals to post announcements, updates, bulletins and other information on the Dashboard.
- C. Individuals posting an item shall append his or her initials to each post in order to identify the source of the information that was posted.
- D. Information posted to the Dashboard must be appropriate for the workplace and focused on forwarding the mission of the Maine State Police.

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE**

**SANCTIONS BY THE MAINE STATE POLICE.**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY ESTABLISHING AN EXPOSURE CONTROL PLAN | **NUMBER:** E-123

**EFFECTIVE DATE:** 08.13.2015 | **RECENT HISTORY:** AMENDED (08.13.2015); CONVERTED TO WEB FORMAT (07.29.2015); TECHNICAL AMENDMENT (WORD CORRECTION)(02.05.2014); TECHNICAL AMENDMENT (NUMERICAL REFERENCE CORRECTION)(01.21.2015); NEW; RESCINDS MSP GO E-79 (01.21.2015)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this policy is to establish the Exposure Control Plan (ECP) required by 29 C.F.R. § 1910.1030, "Bloodborne Pathogens" in order to ensure for the safety and well-being of Maine State Police (MSP) personnel.

### II. POLICY

1. The policy of the Maine State Police is to minimize the exposure of MSP personnel to infectious diseases by establishing an effective Exposure Control Plan in accordance with 29 C.F.R. § 1910.1030, and to provide appropriate treatment and follow up should an employee be exposed to an infectious disease while working.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

### IV. PROCEDURE

#### 1. GENERAL

- A. The Maine State Police is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 C.F.R. § 1910.1030, "Occupational Exposure to Bloodborne Pathogens."
- B. The ECP is a key document to assist our organization in implementing and ensuring compliance with the standard, thereby protecting our employees. This ECP includes:
  1. Determination of employee exposure;
  2. Implementation of various methods of exposure control, including:
    - a. Universal precautions;
    - b. Engineering and work practice controls;
    - c. Personal protective equipment;
    - d. Procedures for contaminated items;
    - e. Hepatitis B vaccination;

- f. Post-exposure evaluation and follow-up;
      - g. Communication of hazards to employees and training;
      - h. Record\_keeping ;
      - i. Procedures for evaluating circumstances surrounding exposure incidents;
      - j. Implementation methods for these elements of the standard are discussed in the subsequent pages of this ECP.
  - C. MSP personnel who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- 2. ADMINISTRATION OF ECP
  - A. The Training Lieutenant is responsible for implementation of the ECP, and will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.
  - B. Each regional Troop/Unit Commander will provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), biohazard labels, and red bags as required by the standard. The Troop/Unit Commander will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes and are available regionally.
  - C. The employee's Troop/Unit Commander will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained.
  - D. The Training Lieutenant will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives.
- 3. EMPLOYEE EXPOSURE DETERMINATION
  - A. See Appendix H.
- 4. METHODS OF IMPLEMENTATION AND CONTROL
  - A. Universal Precautions
    - 1. All employees will utilize universal precautions.
    - 2. Employees covered by the bloodborne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed during their annual refresher training.
    - 3. All employees can review this plan at any time during their work shifts by accessing the copy of the plan posted on the MSP intranet web site. If requested, MSP will provide an employee with a paper copy of the ECP free of charge and within 15 days of the request.
- 5. ENGINEERING CONTROLS AND WORK PRACTICES
  - A. Engineering controls and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. The specific engineering controls and work practice controls used are listed below:
    - 1. The Troop Commander of each regional field troop barracks shall designate and mark an area for washing/decontaminating, sharps containers, and the storage of PPE and related decontamination and packaging supplies.
    - 2. The Troop Commanders shall ensure that sharps disposal containers are inspected, maintained, and replaced as needed.
    - 3. MSP identifies the need for changes in engineering controls and work practices through an annual review of job functions and tasks which may create a risk of exposure, on-going monitoring of injuries or incidents, and input from employees in various job functions.
    - 4. MSP evaluates new procedures and new products as needs are identified by soliciting input and selecting products based on employee and OSHA/MDOL input.
    - 5. Impacted employees throughout the Maine State Police are consulted and are involved in this evaluation process.
    - 6. The Training Lieutenant is responsible for ensuring that these recommendations are implemented.
- 6. SPECIAL CONSIDERATIONS
  - A. Law enforcement officers have a potential risk of exposure when interacting with suspects and

searching clothing, vehicles, or other areas. This risk may be minimized by maintaining a safe distance when dealing with suspects, wearing protective gloves and/or search gloves and protective PPE when appropriate, and avoiding using hands to search areas which cannot be visually inspected.

- B. Handling, packaging, and processing of evidence shall be in accordance with established protocols and procedures. Any potentially infectious materials shall be clearly labeled with red 'biohazard' labels. When necessary, items shall be placed in leak- or puncture-proof containers.
- C. Employees shall wash all potentially exposed skin with disinfectant cleanser, or flush mucous membranes with water immediately or as soon as feasible following contact with blood or other potentially infectious materials. If washing facilities are not immediately available, employees shall wipe skin with germicidal wipes.
- D. Laboratory or other procedures involving blood or other potentially infectious materials shall be performed in accordance with established procedures and standards to minimize risk of exposure.

#### 7. PERSONAL PROTECTIVE EQUIPMENT (PPE)

- A. Appropriate PPE is provided at no cost to employees determined to have a risk of exposure. See Appendix A.
- B. Initial training in the use of the appropriate PPE for specific tasks or procedures is provided through the coordination of such training by the Training Lieutenant.
- C. PPE is issued to individuals with spare supplies located regionally at Troop field barracks and 36 Hospital St in Augusta. Additional or replacement items of PPE shall be ordered through Supply.
- D. All employees using PPE must adhere to the following:
  - 1. Wash hands or other exposed skin surfaces immediately or as soon as feasible after removing gloves or other PPE.
  - 2. Remove PPE after it becomes contaminated and before leaving the work area.
  - 3. Used PPE may be disposed of in red biohazard bags marked with biohazard label and discarded at a local hospital facility.
  - 4. Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.
  - 5. Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
  - 6. Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.

#### 8. PROCEDURES FOR POTENTIALLY CONTAMINATED ITEMS

- A. A supervisor shall be notified if equipment, uniforms, or other items are determined to have been contaminated. A determination shall be made whether the items are to be discarded or decontaminated. Discarded items shall be appropriately disposed. Equipment or other items that are not discarded shall be taken out of service until they are decontaminated. If these are not to be decontaminated immediately, items shall be placed in appropriate package and labeled with red biohazard labels.
- B. State Police headquarters shall maintain a list of current vendors that are available to clean uniforms, equipment, vehicles, and other equipment and items that are contaminated with blood or other potentially infectious materials.
- C. Contaminated sharps are to be discarded as soon as possible in containers that are closable, puncture-resistant, leak proof on sides and bottoms, and appropriately labeled or color-coded. Sharps disposal containers are issued to field personnel, and are also available at regional Troop locations and MSP Supply located at 36 Hospital Street Augusta. Additionally, sharps may be disposed of at local hospitals.
- D. Bins and pails (e.g., wash or emesis basins) are cleaned and decontaminated as soon as feasible after visible contamination.
- E. Broken glassware that may be contaminated is only picked up using mechanical means, such as a brush and dustpan.
- F. Uniforms or other clothing items may be decontaminated and laundered by identified vendors. A list of these vendors is available through State Police headquarters. Clothing items to be decontaminated should be handled as little as possible, with minimal agitation. Items should be

placed in red biohazard bags and labeled with biohazard labels.

#### 9. LABELS

- A. The following labeling methods are used by MSP:
  - 1. Potentially contaminated clothing or equipment shall be safely packaged and enclosed in a red bag clearly marked with biohazard label.
- B. Employees are responsible for ensuring that warning labels are affixed or red bags are used as required if regulated waste or contaminated equipment is brought into any MSP work location.
- C. Employees are to notify their direct supervisors if they discover refrigerators containing blood or OPIM, contaminated equipment, or other containers or items that are not properly labeled.

#### 10. HEPATITIS B VACCINATION

- A. The Training Lieutenant will provide training to all new employees on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration, and availability.
- B. The hepatitis B vaccination series is available at no cost after initial employee training and within 10 days of initial assignment to all employees identified in the exposure determination section of this plan.
- C. Vaccination is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated. However, if an employee declines the vaccination, the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of vaccination or declination shall be maintained by Human Resources.
- D. Vaccination will be coordinated through Human Resources.
- E. Following the medical evaluation, a copy of the health care professional's written opinion will be obtained and provided to the employee within 15 days of the completion of the evaluation. It will be limited to whether the employee requires the hepatitis vaccine and whether the vaccine was administered.
- F. The Training Lieutenant shall ensure health care professional(s) responsible for employee's hepatitis B vaccination are given a copy of OSHA's bloodborne pathogens standard.

#### 11. POST-EXPOSURE EVALUATION AND FOLLOW-UP

- A. An employee who has been or may have been exposed to a bloodborne pathogen due to contact with blood or other bodily fluids shall seek **IMMEDIATE** treatment at a 24-hour emergency department or clinic capable of conducting any prophylactic testing and treatment that might be required. A subsequent medical evaluation of the employee is to be conducted by the State's healthcare provider coordinated through Human Resources (Concentra).
- B. Should an exposure incident occur, an employee is to contact his or her immediate supervisor as soon as practicable.
- C. Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.) and medical evaluation/treatment, the following activities must be performed:
  - 1. The routes of exposure and how the exposure occurred shall be documented;
  - 2. The source individual shall be identified, and his or her identification information, documented, unless the the Maine State Police can establish that identification is infeasible or prohibited by law;
  - 3. The informed written consent of the source individual shall be sought to have that individual tested for bloodborne pathogens to determine potential infectious disease risk to the exposed employee. If such consent is given, then arrangements for the testing to occur shall be made. If such consent is withheld, then see [22 MRSA § 832. Judicial consent to blood-borne pathogen test](#);
  - 4. Once available, the source individual's test results shall be conveyed to the exposed employee's health care provider, and the provision of that information to the employee's health care provider shall be documented;
  - 5. The source individual's test results and information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality) shall be provided to the employee;
  - 6. With the prior consent of the exposed employee, that employee's blood shall be collected as soon as feasible after the exposure incident, so that a baseline blood sample is

obtained;

7. With the prior consent of the exposed employee, the collected blood shall be tested for appropriate serological status, in order to establish baseline results.
  - a. If the exposed employee does not give consent for serological testing to occur, the baseline blood sample shall be preserved for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, the testing shall be arranged and performed as soon as feasible.

#### 12. ADMINISTRATION OF POST-EXPOSURE EVALUATION AND FOLLOW-UP

- A. The Training Lieutenant shall ensure health care professional(s) responsible for employee's post-exposure evaluation and follow-up are given a copy of OSHA's bloodborne pathogens standard.
- B. The employee's Commanding Officer shall also ensure that the health care professional evaluating an employee after an exposure incident receives the following:
  1. A description of the employee's job duties relevant to the exposure incident;
  2. Route(s) of exposure;
  3. Circumstances of exposure;
  4. If possible, results of the source individual's blood test;
  5. Relevant employee medical records, including vaccination status
  6. The employee's Commanding Officer shall ensure the employee is provided with a copy of the evaluating health care professional's written opinion within 15 days after completion of the evaluation.

The employee's Commanding Officer shall ensure the Training Lieutenant receives the information specified in 1 through 3 above in order to effectively evaluate the exposure incident.

#### 13. PROCEDURES FOR EVALUATING THE CIRCUMSTANCES SURROUNDING AN EXPOSURE INCIDENT

- A. The Training Lieutenant will review the circumstances of all exposure incidents to determine:
  1. Engineering controls in use at the time;
  2. Work practices followed;
  3. Protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.);
  4. Location of the incident
  5. Task or activity being performed when the incident occurred;
  6. Employee's training.
- B. The Training Lieutenant will record all injuries from contaminated sharps in a Maine State Police Sharps Injury Log.
- C. If revisions to this ECP are necessary the Training Lieutenant will ensure that appropriate changes are made. (Changes may include an evaluation of safer equipment, adjusting the hazard analysis, etc.).

#### 14. EMPLOYEE TRAINING

- A. All employees who have risk of an occupational exposure to bloodborne pathogens receive initial and annual training coordinated by the Training Lieutenant.
- B. All employees who have risk of an occupational exposure to bloodborne pathogens receive training on the epidemiology, symptoms, and transmission of bloodborne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:
  1. A copy and explanation of the OSHA bloodborne pathogen standard;
  2. An explanation of the MSP ECP and how to obtain a copy;
  3. An explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident;
  4. An explanation of the use and limitations of engineering controls, work practices, and PPE;
  5. An explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE;

6. An explanation of the basis for PPE selection;
7. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge;
8. Information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
9. In explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
10. Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
11. An explanation of the signs and labels and/or color coding required by the standard and used by the MSP;
12. An opportunity for interactive questions and answers with the person conducting the training session.

C. Training materials for MSP are available at the Maine State Police Training Unit.

## 15. RECORDKEEPING

### A. Training Records

1. Training records are completed for each employee upon completion of training. These documents will be kept for at least three years the Maine State Police Training Unit, and consistent with the retention schedules for other such training records.
2. The training records include:
  - a. The dates of the training sessions;
  - b. The contents or a summary of the training sessions;
  - c. The names and qualifications of persons conducting the training;
  - d. The names and job titles of all persons attending the training sessions
3. Employee training records are provided upon request to the employee or the employee's authorized representative within 15 working days. Such requests should be addressed to the Maine State Police Training Unit.

### B. Medical Records

1. Medical records are maintained for each employee with occupational exposure in accordance with 29 C.F.R. § 1910.1020, "Access to Employee Exposure and Medical Records."
2. The Department of Administrative & Financial Services, Security & Employment Service Center is responsible for maintenance of the required medical records. These confidential records are kept in the personnel file of the employee to whom they correspond for at least the duration of employment plus 30 years.
3. Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to the Maine State Police Counsel.

### C. OSHA Record keeping

1. An exposure incident is evaluated to determine if the case meets OSHA's Record keeping Requirements (29 C.F.R. § 1904). This determination and the recording activities are done by the Maine State Police Training Lieutenant.

### D. Sharps Injury Log (Appendix G)

1. In addition to the 1904 Record keeping Requirements, all injuries from contaminated sharps are also recorded in a Sharps Injury Log. All incidences must include at least:
  - a. Date of the injury;
  - b. Type and brand of the device or item involved;
  - c. Location where the incident occurred;
  - d. Explanation of how the incident occurred.
2. This log is reviewed as part of the annual program evaluation and maintained for at least five years following the end of the calendar year covered. If a copy is requested by anyone, it must have any personal identifiers removed from the report.

**APPENDICES****[APPENDIX A \[RESERVED\]](#)****[APPENDIX B: HEPATITIS B DECLINATION STATEMENT](#)****[APPENDIX C: EXPOSURE INCIDENT REPORT](#)****[APPENDIX D: POST-EXPOSURE EMPLOYEE EVALUATION DOCUMENTATION: INSTRUCTIONS FOR THE EVALUATING HEALTH CARE PROFESSIONAL](#)****[APPENDIX E: POST-EXPOSURE EMPLOYEE EVALUATION DOCUMENTATION: HEPATITIS B VACCINATION FINDINGS](#)****[APPENDIX F: POST-EXPOSURE EMPLOYEE EVALUATION DOCUMENTATION: INFORMATION PROVIDED TO EMPLOYEE](#)****[APPENDIX G: SHARPS INJURY LOG \[TEMPLATE\]](#)****[APPENDIX H: HAZARD ASSESSMENT](#)**

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

[Maine.gov](#) | [Maine State Police](#) | [DPS General Orders](#) | [MSP General Orders Home](#) | [Site Policies](#)

**APPENDIX B  
HEPATITIS B DECLINATION STATEMENT**

**I understand that due to my risk of occupational exposure to blood and other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to me. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.**

Employee  
signature:

Date:

Printed name:

**APPENDIX C  
EXPOSURE INCIDENT REPORT**

This report is to be completed when an employee has been exposed to blood or another OPIM

<b>EMPLOYEE NAME:</b>	FIRST, MIDDLE, LAST NAME			<b>DOB:</b>	
<b>TELEPHONE:</b>	<b>WORK:</b>		<b>HOME:</b>		
<b>JOB TITLE:</b>					
<b>DATE OF EXPOSURE:</b>		<b>TIME OF EXPOSURE:</b>		<b>LOCATION OF EXPOSURE:</b>	
<b>EMPLOYEE'S HEPATITIS B VACCINATION STATUS WHEN EXPOSURE OCCURRED:</b>					
<b>DUTY(-IES) BEING PERFORMED BY EMPLOYEE WHEN EXPOSURE OCCURRED:</b>					
<b>CIRCUMSTANCES UNDER WHICH THE EXPOSURE OCCURRED (I.E., WHAT HAPPENED THAT RESULTED IN THE EXPOSURE OCCURRING):</b>					
<b>BODILY FLUID(S) TO WHICH EMPLOYEE WAS EXPOSED:</b>					
<b>ROUTE OF EXPOSURE (E.G., MUCOSAL CONTACT, CONTACT WITH NON-INTACT SKIN, PERCUTANEOUS):</b>					
<b>PERSONAL PROTECTIVE EQUIPMENT (PPE) IN USE AT THE TIME OF EXPOSURE, IF APPLICABLE:</b>					
<b>IF THE PPE FAILED, DESCRIBE HOW IT FAILED:</b>					
<b>NAME(S) OF SOURCE INDIVIDUAL(S), IF APPLICABLE:</b>					
<b>OTHER RELEVANT INFORMATION:</b>					
<b>REPORT DATE:</b>					
<b>CO/Supervisor SIGNATURE:</b>					

**APPENDIX D**  
**POST-EXPOSURE EMPLOYEE EVALUATION DOCUMENTATION:**  
**INSTRUCTIONS FOR THE EVALUATING HEALTHCARE PROFESSIONAL**

The Department of Public Safety (“Department”) employee you are seeing may have suffered an exposure incident as defined in the Code of Federal Regulations bloodborne pathogens standard (29 C.F.R. § 1910.1030). In accordance with that standard’s provision for post-exposure evaluation and follow up, the employee is seeing you for evaluation. Included with this form to assist you in your evaluation are:

1. A copy of 29 C.F.R. § 1910.1030, “Occupational Exposure to Bloodborne Pathogens”;
2. A description of the employee’s duties as they relate to the exposure incident;
3. Documentation of the routes of exposure and circumstances under which exposure occurred;
4. Results of the source individual’s blood testing, if applicable and available;
5. All available medical records relevant to this employee’s appropriate treatment, including vaccination status, that are maintained by the Department.

**After completing the medical evaluation of the employee, please:**

1. Complete the attached “Hepatitis B Vaccination Findings” form and provide it to the employee (this form will be maintained in the office to which the employee is assigned);
2. Complete the attached “Post-exposure Evaluation Information” form;
3. Send a copy of the two (2) forms to:

**DEPARTMENT OF PUBLIC SAFETY**  
**OFFICE OF THE COMMISSIONER**  
**45 COMMERCE DRIVE, SUITE 1**  
**AUGUSTA, ME 04333-0104**

Should you have any questions regarding this form, please contact the Department of Public Safety at 207 626-3803.

**APPENDIX E**  
**POST-EXPOSURE EMPLOYEE EVALUATION DOCUMENTATION:**  
**HEPATITIS B VACCINATION FINDINGS**

To the Evaluating Healthcare Professional:

After you have determined whether there are contraindications to vaccination of the Department of Public Safety employee with Hepatitis B vaccine, please state in the space below **ONLY** the following:

- A. If vaccine was indicated;
- B. If vaccine was received.

**ALL OTHER FINDINGS OF THE EVALUATION ARE TO REMAIN CONFIDENTIAL**  
**AND ARE NOT TO BE INCLUDED ON THIS PAGE.**

Please return this form to the evaluated employee, namely:

FIRST, MIDDLE, LAST NAME OF EMPLOYEE

Thank you.

<b>SIGNATURE OF ATTENDING HEALTHCARE PROFESSIONAL:</b>	
<b>DATE:</b>	
<b>PRINTED NAME OF HEALTHCARE PROFESSIONAL:</b>	



**APPENDIX F  
POST-EXPOSURE EMPLOYEE EVALUATION DOCUMENTATION:  
INFORMATION PROVIDED TO EMPLOYEE**

To the Evaluating Healthcare Professional:

After your evaluation of the Department of Public Safety employee you are seeing, please ensure that the following information has been furnished to the employee and provide your initials beside the following statements:

- A.        The employee has been informed of the results of the evaluation;
  
- B.        The employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation and treatment.

**ALL OTHER FINDINGS OF THE EVALUATION ARE TO REMAIN CONFIDENTIAL  
AND ARE NOT TO BE INCLUDED ON THIS PAGE.**

Please return this form to the evaluated employee, namely:

FIRST, MIDDLE, LAST NAME OF EMPLOYEE

Thank you.

SIGNATURE OF ATTENDING HEALTHCARE PROFESSIONAL:	
DATE:	
PRINTED NAME OF HEALTHCARE PROFESSIONAL:	

**APPENDIX G  
SHARPS INJURY LOG  
[TEMPLATE]**

DATE OF INJURY	TYPE & BRAND OF DEVICE INVOLVED	LOCATION OF INCIDENT	BRIEF EXPLANATION OF HOW THE INJURY OCCURRED

PAGE \_\_\_\_ OF \_\_\_\_

**APPENDIX H**



**Department of Public Safety  
Maine State Police  
Personal Protective Equipment (PPE) Hazard Assessment by Task**

*Initial assessment completed 12/01/2014. Assessment must be reviewed annually as a part of the policy review*

<b>Task</b>	<b>Hazard</b>	<b>Relevant PPE<sup>i</sup></b>	<b>Training / Notes</b>	<b>Applicability</b>
Vehicle Operation	Bodily injuries	<ol style="list-style-type: none"> <li>1. Vehicle emergency warning equipment</li> <li>2. Fire extinguisher</li> </ol>	<ol style="list-style-type: none"> <li>1. Emergency vehicle operations training</li> <li>2. Fire extinguisher training</li> </ol>	All sworn
Traffic enforcement details, crash scenes, OUI roadlock details, construction work zones, traffic control functions	Bodily injuries from passing traffic	<ol style="list-style-type: none"> <li>1. Emergency Lights</li> <li>2. ANSI 2 reflective traffic vest</li> <li>3. Flashlights</li> <li>4. Quick Cones</li> </ol>	Select safe location when possible	All Sworn
Roadblocks and Spike mat deployment	Bodily injuries from traffic and offender vehicle	<ol style="list-style-type: none"> <li>1. Emergency Lights</li> <li>2. ANSI 2 reflective traffic vest</li> <li>3. Flashlights</li> <li>4. Quick Cones</li> <li>5. Gloves/eye protection</li> </ol>	In conjunction with training and current policy on roadblocks	All Sworn

Apprehending, restraining, searching and transporting suspects	Bodily Injuries from violent assault, cuts or injuries during searching suspects	<ol style="list-style-type: none"> <li>1. ASP baton</li> <li>2. OC spray</li> <li>3. Firearms</li> <li>4. Handcuffs</li> <li>5. Leg restraints, spit hood</li> <li>6. Taser (if issued)</li> <li>7. Issued Ballistic Vest</li> <li>8. Sharps container</li> <li>9. Issued protective search gloves</li> <li>10. Issued PPE for bloodborne pathogens</li> </ol>	<ol style="list-style-type: none"> <li>1. Training on defensive tactics and use of force</li> <li>2. Training on Exposure Control Plan</li> </ol>	All sworn
Civil disobedience events	Bodily Injury from violent assault, thrown objects	<ol style="list-style-type: none"> <li>1. Millennial Respirator</li> <li>2. Eye protection,</li> <li>3. Helmets</li> <li>4. Shields, hard plastic body armor</li> </ol>	Training and policies specific to activity	All sworn
Assisting injured victims, administering first aid	Bloodborne pathogens or Air borne diseases	<ol style="list-style-type: none"> <li>1. Latex / non-latex examination gloves</li> <li>2. Eye protection</li> <li>3. Rescue breathing protective mask</li> <li>4. Protective gown</li> <li>5. Protective foot covering</li> </ol>	<ol style="list-style-type: none"> <li>1. Exposure Control Program</li> <li>2. Training on PPE</li> </ol>	All sworn
(Planned) use of firearms (i.e.: training, animals)	Bodily injury (eye and hearing)	<ol style="list-style-type: none"> <li>1. Ballistic vests</li> <li>2. Eye protection</li> <li>3. Hearing protection</li> </ol>	<ol style="list-style-type: none"> <li>1. Range Rules and Policy review</li> <li>2. PPE to be worn at range.</li> </ol>	All sworn

Processing crime scenes, gathering and processing evidence	Bloodborne pathogens/airborne diseases	<ol style="list-style-type: none"> <li>1. Latex/Non-latex gloves</li> <li>2. N95 Respirator</li> <li>3. PPE kit</li> <li>4. Issued search gloves</li> <li>5. Sharps container</li> <li>6.</li> </ol>	<ol style="list-style-type: none"> <li>1. Exposure Control Program</li> <li>2. Training on PPE</li> </ol>	<ol style="list-style-type: none"> <li>1. All sworn</li> <li>2. Crime Lab staff</li> </ol>
Inspecting or repairing vehicles	<ol style="list-style-type: none"> <li>1. Bodily injuries from metal parts</li> <li>2. Eye/hearing injuries</li> </ol>	<ol style="list-style-type: none"> <li>1. Eye protection</li> <li>2. Hearing protection</li> <li>3. Protective gloves</li> </ol>		<ol style="list-style-type: none"> <li>1. All sworn</li> <li>2. Motor Carrier Inspectors</li> <li>3. Motor Vehicle Inspectors</li> <li>4. Fleet Mechanics</li> </ol>
Working with police canines in training and response to calls	Bodily injuries from dog bites, environmental hazards	<ol style="list-style-type: none"> <li>1. Canine leads</li> <li>2. Vehicle cages for K9</li> <li>3. Bite sleeves</li> <li>4. Issued footwear</li> <li>5. Eye protection</li> <li>6. Flashlights</li> <li>7. PFD (water cadaver)</li> </ol>	<ol style="list-style-type: none"> <li>1. Applicable policy</li> <li>2. MCJA Certified</li> </ol>	K-9 Unit members
Working in and around water and maritime environment	Bodily injuries from working in maritime environment or under water.	<ol style="list-style-type: none"> <li>1. Wet/Dry suits</li> <li>2. Communication system</li> <li>3. SCBA Respirator</li> <li>4. Surface Air Supply</li> <li>5. Personal Flotation Device</li> </ol>	<ol style="list-style-type: none"> <li>1. Certified dive training, advanced training and required in-service</li> <li>2. Respirator Protection Program</li> </ol>	<ol style="list-style-type: none"> <li>1. URT Team members</li> <li>2. Tactical Team members</li> </ol>
Handling explosive materials and suspicious devices	Bodily injuries from working with explosive materials and devices	<ol style="list-style-type: none"> <li>1. Bomb suit</li> <li>2. SCBA Respirator</li> <li>3. Communications system</li> </ol>	<ol style="list-style-type: none"> <li>1. FBI Hazardous Devices School, required in-service</li> <li>2. Respirator Protection Program</li> </ol>	Bomb Team members

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<sup>i</sup> For the purposes of this General Order, the term “Relevant PPE” refers to PPE that is provided and likely to be beneficial for use during that particular job task. Notwithstanding any law or other General Order, the decision to utilize a particular piece of PPE is to be based on training and an evaluation of the circumstances.

**SUBJECT:** MAINE STATE POLICE POLICY ESTABLISHING A RESPIRATORY PROTECTION PROGRAM |  
**NUMBER:** E-124

**EFFECTIVE DATE:** 02.27.2018 | **RECENT HISTORY:** AMENDED (02.27.2018); CONVERTED TO WEB  
FORMAT (07.29.2015); TECHNICAL AMENDMENT (NUMERICAL REFERENCE  
CORRECTION)(01.21.2015); NEW (01.21.2015)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

**I. PURPOSE**

1. The purpose of this General Order is to establish the respiratory protection program (RPP) required by 29 C.F.R. § 1910.134, "Respiratory Protection," in order to ensure for the safety and well-being of Maine State Police personnel.

**II. POLICY**

1. The policy of the Maine State Police is to ensure that personnel who use respirators in the course of their work are properly trained in the use and wearing of such equipment, in accordance with 29 C.F.R. § 1910.134.

o

**III. DEFINITIONS**

0. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

**IV. PROCEDURE**

0. GENERAL DISCUSSION

- A. Some Maine State Police personnel are exposed to respiratory hazards during routine operations. The program established by this policy applies to all employees who are required to wear respirators during normal work operations, and during some non-routine or emergency operations such as clean-up of spills of hazardous substances.
- B. This policy and the Maine State Police respiratory protection program apply to any employee who has been determined to have an identified exposure risk. This shall be determined through a hazard analysis of anticipated tasks and activities that may occur during employment for the Maine State Police. This analysis is attached and labeled as Attachment D.
- C. It is understood that the Maine State Police Crime Laboratory, while a unit contained within the Maine State Police, has unique applications for the use of respirators and operates within the guidelines of this policy and policies adopted within the Crime Laboratory pursuant to ISO 17025 standards/certifications).
- D. All expenses associated with this program, to include training, medical reviews, medical evaluations and equipment, are provided by the Maine State Police at no cost to the employee.

1. PROGRAM ADMINISTRATION

A. TRAINING LIEUTENANT

1. The Training Lieutenant is responsible for administering the respiratory protection program (RPP) established by this policy.
2. The Training Lieutenant's duties include, but are not limited to, the following
  - a. Identifying work areas, processes, or tasks that require workers to wear respirators, and evaluating the associated hazards;

- b. Selecting appropriate, approved respiratory protection options;
- c. Monitoring general respirator use by employees to ensure that respirators are used in accordance with this policy and OSHA standards;
- d. Coordinating training;
- e. Ensuring proper storage and maintenance of respiratory protection equipment;
- f. Conducting qualitative or quantitative fit testing as appropriate;
- g. Administering the medical surveillance program;
- h. Maintaining required program records;
- i. Evaluating the respiratory protection program;
- j. Updating the written program, as necessary.

B. TROOP AND UNIT COMMANDERS

- 1. Maine State Police Troop and Unit Commanders are responsible for ensuring that the respiratory protection program is implemented in their work areas.
- 2. In addition to being knowledgeable about the program requirements for their own protection, Troop and Unit Commanders must also ensure that the program is understood and followed by the sworn and civilian personnel under their command.
- 3. Troop and Unit Commanders shall:
  - a. Ensure that employees under their supervision (including new hires) have received appropriate training, fit testing, and annual medical evaluation;
  - b. Ensure the availability of appropriate respirators and accessories;
  - c. Be aware of tasks requiring the use of respiratory protection;
  - d. Enforce the proper use of respiratory protection;
  - e. Ensure that respirators are properly cleaned, maintained, and stored in accordance with the program;
  - f. Monitor work areas and operations with sufficient frequency to identify respiratory hazards and select proper equipment;
  - g. Coordinate with the program administrator on how to address respiratory hazards or other concerns regarding the program.

C. SWORN AND CIVILIAN PERSONNEL

- 1. Sworn and civilian personnel to whom this policy applies shall wear their respirators when and where they are required to do so, and in the manner in which they were trained.
- 2. Sworn and civilian personnel also shall:
  - a. Be familiar with the program established by this policy;
  - b. Care for and maintain their respirators as instructed, and store them in a clean sanitary location;
  - c. Inform their supervisors if their respirators no longer fit well, and request a new one that fits properly;
  - d. Inform their supervisors or the Training Lieutenant of any potential respiratory hazards or other concerns regarding the program.

## 2. RESPIRATOR SELECTION

- A. The Maine State Police has performed an exposure assessment identifying the respiratory hazard(s) found in its workplace. See Appendix D.
- B. The Training Lieutenant shall select respirators to be used based on the hazards that sworn and civilian personnel encounter, and in accordance with all OSHA standards.

## 3. MEDICAL EVALUATION

- A. Maine State Police personnel who are required to wear respirators must pass a medical screening through an occupational healthcare provider before being permitted to wear a respirator on the job.
- B. Personnel are not permitted to wear respirators until they are medically approved to do so.
- C. Personnel who refuse the medical evaluation are not permitted to work in an area requiring respirator use.
- D. The medical evaluation is conducted using the questionnaire provided in Appendix C.
- E. Medical evaluation procedures are as follows:
  - 1. All examinations and questionnaires are to remain confidential between the Maine State Police employee and the **Physician or other Licensed Health Care Professional (PLHCP)**.
  - 2. All affected Maine State Police personnel are to be given a copy of the medical questionnaire to complete, along with instructions for submitting the completed document to the PLHCP.
  - 3. The questionnaire is completed confidentially during the employee's usual work shift.
  - 4. Follow-up medical exams are granted to employees as required by the standard, and/or as deemed necessary by the PLHCP.
  - 5. All employees are provided the opportunity to speak with the PLHCP about their medical evaluation, if requested.
  - 6. After an employee has received approval and started to use a respirator, additional medical evaluation is provided if:
    - a. The employee reports signs and/or symptoms related to their ability to use a respirator, such as shortness of breath, dizziness, chest pains, or wheezing;
    - b. The PLHCP or the employee's supervisor informs the Training Lieutenant of a need for reevaluation;
    - c. Information from this program, including observations made during fit testing and program evaluation, indicates a need for reevaluation;
    - d. A change occurs in the workplace conditions that may result in an increased physiological burden on the employee.
  - 7. A physician or other licensed health care professional (PLHCP) contracted by the Maine State Police evaluates the information found in Appendix C. The PLHCP, prior to making a determination for fitness of duty, is provided vital information for respirator usage. This includes the type and weight of the respirator, duration and frequency of use, expected work effort, additional personal protective clothing/equipment to be used, and estimated temperature and humidity extremes that may be encountered.
  - 8. If an employee responds positively to any of questions 1 through 8 in Section 2 of the questionnaire, or if the PLHCP upon initial review of

the questionnaire deems it necessary, a follow-up medical examination is provided. This follow-up exam includes any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination for safe respirator usage.

9. In determining the employee's ability to use a respirator, the Maine State Police shall:
  - a. Obtain a written recommendation regarding the employee's ability to use the respirator from the PLHCP. The recommendation shall provide only the following information:
    - 
    - (1) Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;
    - (2) The need, if any, for follow-up medical evaluations; and
    - (3) A statement that the PLHCP has provided the employee with a copy of the PLHCP's written recommendation.

#### 4. FIT TESTING

- A. Fit testing is required for Maine State Police personnel wearing respirators with a negative or positive pressure face piece.
- B. The fit test is conducted prior to the employee being required to use the respirator and uses the same make, model, style, and size of respirator to be used on the job.
- C. The Maine State Police may use a qualitative fit test (QLFT) or a quantitative fit testing (QNFT) approach
- D. Fit testing is conducted:
  1. Prior to initial use of the respirator;
  2. If a different respirator face piece (size, style, model or make) is used;
  3. On an annual basis, or as outlined by the Maine Department of Labor;
  4. If the employee, employer, PLHCP, supervisor or program administrator makes a visual observation of changes in the employee's physical condition that would affect respirator fit. (This might include: facial scarring, dental changes, cosmetic surgery or a drastic change in weight.);
  5. If an employee passes either test, but notifies the employer that the fit is unacceptable, the employee is allowed to select a different respirator and is retested.

#### 5. RESPIRATOR USAGE

- A. Maine State Police personnel shall use their respirators under conditions specified by the program established by this policy, and in accordance with the training they receive on the use of each particular model.
- B. In addition, the respirator shall not be used in a manner for which it is not certified by NIOSH or by its manufacturer. Each time a respirator is put on, employees must conduct a positive and negative pressure user seal check. Additional personal protective equipment, combined with respirator use, may be necessary to adequately prevent exposure. Use of eye, face or skin protection may be required in certain processes.

- C. Tight fitting face piece respirators are not permitted for use if:
  - 1. An employee has facial hair that interferes with the sealing surface of the respirator and the face, or interferes with the valve function;
  - 2. Corrective glasses/goggles or other personal protective equipment interferes with the seal of the face piece;
  - 3. Any other condition interferes with the face piece seal.
- D. A Maine State Police employee must vacate the respirator use area:
  - 1. To wash face and respirator face pieces as necessary to prevent respirator induced eye or skin irritation;
  - 2. If vapor or gas breakthrough is detected;
  - 3. If there is a change in breathing resistance;
  - 4. If there is face piece leakage;
  - 5. To replace the respirator or filter, cartridge, or canister elements.
- If any of the above conditions are caused by a failure of the respirator or any of its components, or if cartridges or filters need to be changed, the Maine State Police shall provide replacement parts or shall repair the respirator prior to allowing the employee to return to the respirator use area.

#### 6. RESPIRATOR MALFUNCTION

- **APR Respirator Malfunction:** In the event of an APR malfunction (such as breakthrough, face piece leakage, or improperly working valve), an employee shall inform his or her supervisor that the respirator is no longer functioning as intended, leave the respirator use area, and repair or replace the defective respirator. The supervisor shall ensure that the employee receives the necessary parts for repair or a new functional respirator.
- A. **Atmosphere-supplying Respirator (ASR) Malfunction:** Usually employees using atmosphere-supplying respirators work in pairs. If one worker is experiencing an ASR malfunction, by using hand signals, he or she shall notify the partner of the problem. The partner then shall escort the employee with ASR malfunction outside the respirator use area to assess and rectify the malfunction.

#### 7. AIR QUALITY

- Supplied-air respirators must use only Grade D breathing air as described in ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989 meeting the following specifications:
  - 1. Oxygen content (v/v) of 19.5-23.5%;
  - 2. Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
  - 3. Carbon monoxide content of 10 ppm or less;
  - 4. Carbon dioxide content of 1000 ppm or less;
  - 5. Lack of noticeable odor
- A. The Training Lieutenant shall maintain a certificate of analysis from the supplier that:
  - 1. Grade D breathing air is contained in the cylinders used to supply breathing air;
  - 2. Cylinders are tested and maintained as required in the Shipping Container Specification Regulations of the Department of Transportation; and
  - 3. The moisture content in the cylinder does not exceed a dew point of - 50 degrees Fahrenheit at 1 atmosphere pressure.

- B. Compressors used to provide breathing air to respirators shall be constructed and situated so as to
  - 1. Prevent entry of contaminated air into the air supply system;
  - 2. Minimize moisture content so that the dew point at 1 atmosphere pressure is 10 degrees F below the ambient temperature;
  - 3. Have suitable in-line air purifying sorbent beds and filter to further ensure breathing air quality.
- C. Sorbent beds and filters shall:
  - 1. Be maintained and replaced or refurbished periodically following manufacturer's instructions;
  - 2. Have a tag containing the most recent change date and the signature of the person authorized to perform the change.
- D. For compressors that are not oil-lubricated, the Maine State Police shall ensure that carbon monoxide levels in the breathing air do not exceed **10 parts per million (ppm)**.
- E. Breathing air couplings must be incompatible with outlets for nonrespirable work site air or other gas systems.

#### 8. CLEANING, MAINTENANCE, INSPECTION, AND STORAGE

- . Respirators are to be regularly cleaned and disinfected in accordance with the manufacturer's instructions.
- A. APR respirators are to be cleaned and disinfected as often as necessary, but at least every day used or as outlined in 29 CFR §1910.134(h)(1) of the standard.
- B. ASR and emergency use respirators are to be cleaned and disinfected after each use.
- C. Respirators are to be cleaned and disinfected in accordance with manufacturers' recommendations.
- D. The Troop or Unit Commanding Officer shall ensure that an adequate supply of the appropriate cleaning and disinfection supplies is available. Respirators are to be properly maintained at all times in order to ensure that they function properly and can adequately provide protection to an employee.
  - 1. Maintenance involves a thorough visual inspection for cleanliness and/or defects.
  - 2. Worn or deteriorated parts must be replaced prior to use.
  - 3. No components are to be replaced or repairs made beyond those recommended by the manufacturer.
- E. Respirators shall be inspected regularly as follows:
  - 1. Employees to whom a respirator is issued shall inspect the respirator monthly.
  - 2. Supervisors shall inspect respirators quarterly for condition and compliance with this policy.
  - 3. Annually, respirators shall be inspected during required fit testing and training to review this program.
  - 4. The following list shall be used when inspecting respirators:
    - a. **Face piece:** cracks, tears, or holes, facemask distortion, cracked or loose lenses/face shield;
    - b. **Head straps:** breaks or tears, broken buckles/clasps, overstretched elastic bands;

- c. **Valves:** residue or dirt, cracks or tears in valve material, absence of valve flap;
  - d. **Filter/Cartridges:** proper cartridge for hazard, approval designation, intact gaskets, cracks or dents in housing;
  - e. **Air Supply Systems:** breathing air quality/grade, condition of supply hoses, hose connections, settings on regulators and valves.
5. Respirators that are defective or have defective parts must be taken out of service immediately. If an employee discovers a defect in a respirator during an inspection, the employee shall bring the defect to the attention of his or her supervisor. Supervisors shall give all defective respirators to the Training Lieutenant or the person otherwise responsible for replacement or repair.
  6. The appropriate person then shall decide whether to:
    - a. Temporarily take the respirator out of service until it can be repaired;
    - b. Repair the respirator; or;
    - c. Dispose of the respirator due to a defect or irreparable problem.
  7. Employees shall be permitted to leave a work area to perform limited maintenance on their respirator in an area that is free from respiratory hazards. Situations when this is permitted include:
    - a. Face or respirator washing to prevent skin/eye irritation;
    - b. Replacement of filter, cartridge or canister;
    - c. Leakage is detected in the face piece; vapor or gas breakthrough is detected; or
    - d. Detection of any damage to the respirator or its components.
  8. When a respirator is taken out of service, the respirator shall be tagged as such to prevent accidental use of a malfunctioning device. All defective respirators shall be stored separately from functional respirators.
  9. APR are stored in a clean, dry area and in accordance with the manufacturer's recommendations.
  10. Each employee shall clean and inspect their own respirator in accordance with the provisions of the program established by this policy, and shall store their respirator in accordance with training and manufacturer's recommendations.

#### 9. CARTRIDGE & CANISTER CHANGE OUT SCHEDULES

- . For atmospheres that are not **Immediately Dangerous to Life and Health (IDLH)**, the Maine State Police shall provide a respirator adequate to protect the health of the employee and ensure compliance with OSHA requirements under routine and reasonably foreseeable emergency situations.
- A. This respirator selected by the Training Lieutenant shall be appropriate for the chemical state and physical form of the contaminant.
- B. The use of APRs requires that the respirator be equipped with an **End of Service Life Indicator (ESLI)** certified by NIOSH for the contaminant or if there is no ESLI appropriate for conditions in the workplace, the Maine State Police shall implement a change schedule based on objective information that ensures that canisters and cartridges are changed before the end of their service life.

#### 10. TRAINING

- . The Training Lieutenant, or his or her designee, shall provide training to respirator users and their supervisors on the contents of the respiratory protection program established by this policy, their responsibilities under it, and the OSHA respiratory protection standard, 29 CFR1910.134.
- A. Employees shall be trained prior to using respirators in the workplace. Supervisors shall be trained prior to using a respirator in the workplace or prior to supervising employees required to use respirators.
- B. The training program shall cover the following topics:
  1. The Maine State Police respiratory protection program established by this policy;
  2. The OSHA respiratory protection standard;
  3. The respiratory hazards encountered at Maine State Police work sites;
  4. The proper selection and use of respirators;
  5. Additional personal protective equipment;
  6. Respirator limitations;
  7. How to put-on and perform user seal (fit) checks;
  8. Fit testing;
  9. Emergency use procedures;
  10. Maintenance and storage;
  11. Medical signs and symptoms limiting the effective use of respirators.
- C. Employees shall be retrained annually, or as needed (e.g., change in assignment or job responsibilities requiring a different type of respirator).
- D. Respirator training shall be documented by the Training Lieutenant. The documentation must include the type, model, and size of respirator for which each employee has been trained and fit tested.

#### 11. PROGRAM EVALUATION

- . The Training Lieutenant and other responsible supervisors shall conduct periodic evaluations of the work practices and activities to ensure that the provisions of the program established by this policy are being implemented. The evaluations must include regular consultations with employees who use respirators and their supervisors for recommendations of improvement or problematic issues.
- A. The Training Lieutenant shall annually review this policy as well as any incidents or injuries to determine the effectiveness of this program and any necessary changes.

#### 12. DOCUMENTATION AND RECORDKEEPING

- . A written copy of this policy and the OSHA standard shall be maintained by the Training Lieutenant and shall be available to any employee interested in reviewing the policy.
- A. Training and fit testing records also shall be maintained by the Training Lieutenant. These records shall be updated as new employees are trained, when existing employees receive refresher training, and/or new fit testing is conducted.
- B. Medical evaluations shall be maintained in accordance with the OSHA medical records standard 29 C.F.R. § 1910.1020. However, the PLHCP's written recommendation regarding each employee's ability to use a respirator shall be maintained by the Training Lieutenant.

### **APPENDICES**

- [APPENDIX A: \(MANDATORY\) INFORMATION FOR EMPLOYEES USING RESPIRATORS WHEN NOT REQUIRED UNDER THE STANDARD](#)
- [APPENDIX B: QUALITATIVE RESPIRATOR FIT TEST FORM](#)
- [APPENDIX C: OSHA RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE \(MANDATORY\)](#)
- [APPENDIX D: RESPIRATORY PROTECTION PROGRAM \(RPP\) HAZARD ASSESSMENT BY TASK](#)

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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## APPENDIX A

### (MANDATORY) INFORMATION FOR EMPLOYEES USING RESPIRATORS WHEN NOT REQUIRED UNDER THE STANDARD

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use is encouraged, even when exposures are below the exposure limit, to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous substance does not exceed the limits set by OSHA standards. If your employer provides respirators for your voluntary use, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and heed all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.

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**APPENDIX B**  
**Qualitative Respirator Fit Test Form**  
(QLFT)

Employee: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

Respirator Model: \_\_\_\_\_ Respirator Type: \_\_\_\_\_

Respirator Size: \_\_\_\_\_ Cartridge(s): \_\_\_\_\_

**PRIOR TO FIT TESTING:**

Subject must be allowed to select the correct size respirator and shown how to assemble, don, doff and adjust the respirator. Once it has been established that the employee is able to detect the fit test challenge agent (isoamyl acetate), the test may be administered. If the subject is unable to detect the challenge agent, a different type test must be administered. Contact an industrial hygienist or the respirator vendor for assistance.

To assess proper comfort and fit, the respirator must be worn for at least five minutes, while allowing the subject to determine the following:

- |  |   |
|--|---|
| <input type="checkbox"/> Chin properly placed                | <input type="checkbox"/> Room to talk               |
| <input type="checkbox"/> Positioning of mask                 | <input type="checkbox"/> Tendency to slip           |
| <input type="checkbox"/> Strap tension                       | <input type="checkbox"/> Cheeks filled out          |
| <input type="checkbox"/> Fit across nose bridge              | <input type="checkbox"/> Self-observation in mirror |
| <input type="checkbox"/> Distance from nose to chin          | <input type="checkbox"/> Room for safety glasses    |
| <input type="checkbox"/> Positive and negative pressure test |   |

TEST: One minute each

- |  |   |
|--|---|
| <input type="checkbox"/> Breathe normally            | <input type="checkbox"/> Talking          |
| <input type="checkbox"/> Breathe deeply              | <input type="checkbox"/> Jogging in place |
| <input type="checkbox"/> Turn head from side to side | <input type="checkbox"/> Breathe normally |
| <input type="checkbox"/> Nod head up and down        |   |

**( ) PASS      ( ) FAIL**

Comments: \_\_\_\_\_

Tested by: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX C

### OSHA RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE (MANDATORY)

#### To the employer:

Answers to questions in Section 1, and to question 9 in Section 2 of Part A, do not require a medical examination.

#### To the employee:

Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.

### Part A, Section 1

(MANDATORY)

The following information **must** be provided by every employee who has been selected to use any type of respirator (please print).

1.	Today's date:		
2.	Your name:		
3.	Your age (to nearest year):		
4.	Sex (circle one):	MALE	FEMALE
5.	Your height:	_____ ft.	_____ in.
6.	Your weight:	_____ lbs.	
7.	Your job title:		
8.	A phone number where you can be reached by the health care professional who reviews this questionnaire (include the Area Code):		
9.	The best time to phone you at this number:		
10.	Has your employer told you how to contact the health care professional who will review this questionnaire (circle one):	YES	NO
11.	Check (✓) the type of respirator you will		

	use (you can check more than one category):		
	a. <input type="checkbox"/> N, R, or P disposable respirator (filter-mask, non-cartridge type only).		
	b. <input type="checkbox"/> Other type (for example, half- or full-facepiece type, powered-air purifying, supplied-air, self-contained breathing apparatus).		
12.	Have you worn a respirator (circle one):	YES	NO
	If "YES," what type(s):		

**PART A, Section 2**  
(MANDATORY)

Questions 1 through 9 below **must** be answered by every employee who has been selected to use any type of respirator (please circle "YES" or "NO").

1.	Do you currently smoke tobacco, or have you smoked tobacco in the last month:	YES	NO
2.	Have you ever had any of the following conditions?		
	a. Seizures:	YES	NO
	b. Diabetes (sugar disease):	YES	NO
	c. Allergic reactions that interfere with your breathing:	YES	NO
	d. Claustrophobia (fear of closed-in places):	YES	NO
	e. Trouble smelling odors:	YES	NO
3.	Have you ever had any of the following pulmonary or lung problems?		
	a. Asbestosis:	YES	NO
	b. Asthma:	YES	NO
	c. Chronic bronchitis:	YES	NO
	d. Emphysema:	YES	NO
	e. Pneumonia:	YES	NO
	f. Tuberculosis:	YES	NO
	g. Silicosis:	YES	NO
	h. Pneumothorax (collapsed lung):	YES	NO
	i. Lung cancer:	YES	NO

	j. Broken ribs:	YES	NO
	k. Any chest injuries or surgeries:	YES	NO
	l. Any other lung problem that you've been told about:	YES	NO
4.	Do you currently have any of the following symptoms of pulmonary or lung illness?		
	a. Shortness of breath:	YES	NO
	b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline:	YES	NO
	c. Shortness of breath when walking with other people at an ordinary pace on level ground:	YES	NO
	d. Have to stop for breath when walking at your own pace on level ground:	YES	NO
	e. Shortness of breath when washing or dressing yourself:	YES	NO
	f. Shortness of breath that interferes with your job:	YES	NO
	g. Coughing that produces phlegm (thick sputum):	YES	NO
	h. Coughing that wakes you early in the morning:	YES	NO
	i. Coughing that occurs mostly when you are lying down:	YES	NO
	j. Coughing up blood in the last month:	YES	NO
	k. Wheezing:	YES	NO
	l. Wheezing that interferes with your job:	YES	NO
	m. Chest pain when you breathe deeply:	YES	NO
	n. Any other symptoms that you think may be related to lung problems:	YES	NO
5.	Have you ever had any of the following cardiovascular or heart problems?		
	a. Heart attack:	YES	NO
	b. Stroke:	YES	NO
	c. Angina:	YES	NO

	d. Heart failure:	YES	NO
	e. Swelling in your legs or feet (not caused by walking):	YES	NO
	f. Heart arrhythmia (heart beating irregularly):	YES	NO
	g. High blood pressure:	YES	NO
	h. Any other heart problem that you've been told about:	YES	NO
6.	Have you ever had any of the following cardiovascular or heart symptoms?		
	a. Frequent pain or tightness in your chest:	YES	NO
	b. Pain or tightness in your chest during physical activity:	YES	NO
	c. Pain or tightness in your chest that interferes with your job:	YES	NO
	d. In the past two years, have you noticed your heart skipping or missing a beat:	YES	NO
	e. Heartburn or indigestion that is not related to eating:	YES	NO
	f. Any other symptoms that you think may be related to heart or circulation problems:	YES	NO
7.	Do you currently take medication for any of the following problems?		
	a. Breathing or lung problems:	YES	NO
	b. Heart trouble:	YES	NO
	c. Blood pressure:	YES	NO
	d. Seizures:	YES	NO
8.	If you've used a respirator, have you ever had any of the following problems? (If you've never used a respirator, check the following space and go to question 9:)		
	a. Eye irritation:	YES	NO
	b. Skin allergies or rashes:	YES	NO
	c. Anxiety:	YES	NO
	d. General weakness or fatigue:	YES	NO
	e. Any other problem that interferes with your use of a respirator:	YES	NO
9.	Would you like to talk to the health care	YES	NO

	professional who will review this questionnaire about your answers to this questionnaire:		
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**Questions 10 to 15** below **must** be answered by every employee who has been selected to use either a full-facepiece respirator or a self-contained breathing apparatus (SCBA). For employees who have been selected to use other types of respirators, answering these questions is voluntary.

10.	Have you ever lost vision in either eye (temporarily or permanently):	YES	NO
11.	Do you currently have any of the following vision problems?		
	a. Wear contact lenses:	YES	NO
	b. Wear glasses:	YES	NO
	c. Color blind:	YES	NO
	d. Any other eye or vision problem:	YES	NO
12.	Have you ever had an injury to your ears, including a broken ear drum:	YES	NO
13.	Do you currently have any of the following hearing problems?		
	a. Difficulty hearing:	YES	NO
	b. Wear a hearing aid:	YES	NO
	c. Any other hearing or ear problem:	YES	NO
14.	Have you ever had a back injury:	YES	NO
15.	Do you currently have any of the following musculoskeletal problems?		
	a. Weakness in any of your arms, hands, legs, or feet:	YES	NO
	b. Back pain:	YES	NO
	c. Difficulty fully moving your arms and legs:	YES	NO
	d. Pain or stiffness when you lean forward or backward at the waist:	YES	NO
	e. Difficulty fully moving your head up or down:	YES	NO
	f. Difficulty fully moving your head side to side:	YES	NO

g. Difficulty bending at your knees:	YES	NO
h. Difficulty squatting to the ground:	YES	NO
i. Climbing a flight of stairs or a ladder carrying more than 25 lbs.:	YES	NO
j. Any other muscle or skeletal problem that interferes with using a respirator:	YES	NO

## PART B

Any of the following questions, and other questions not listed, may be added to the questionnaire at the discretion of the health care professional who will review the questionnaire.

1.	In your present job, are you working at high altitudes (over 5,000 feet) or in a place that has lower than normal amounts of oxygen:	YES	NO
	If "yes," do you have feelings of dizziness, shortness of breath, pounding in your chest, or other symptoms when you're working under these conditions:	YES	NO
2.	At work or at home, have you ever been exposed to hazardous solvents, hazardous airborne chemicals (e.g., gases, fumes, or dust), or have you come into skin contact with hazardous chemicals:	YES	NO
	If "yes," name the chemicals if you know them:		
3.	Have you ever worked with any of the materials, or under any of the conditions, listed below:		
	a. Asbestos:	YES	NO
	b. Silica (e.g., in sandblasting):	YES	NO
	c. Tungsten/cobalt (e.g., grinding or welding this material):	YES	NO
	d. Beryllium:	YES	NO
	e. Aluminum:	YES	NO
	f. Coal (for example, mining):	YES	NO
	g. Iron:	YES	NO
	h. Tin:	YES	NO

	i. Dusty environments:	YES	NO
	j. Any other hazardous exposures:	YES	NO
	If "yes," describe these exposures:		
4.	List any second jobs or side businesses you have:		
5.	List your previous occupations:		
6.	List your current and previous hobbies:		
7.	Have you been in the military services?	YES	NO
	If "yes," were you exposed to biological or chemical agents (either in training or combat):	YES	NO
8.	Have you ever worked on a HAZMAT team?:	YES	NO
9.	Other than medications for breathing and lung problems, heart trouble, blood pressure, and seizures mentioned earlier in this questionnaire, are you taking any other medications for any reason (including over-the-counter medications):	YES	NO
	If "yes," name the medications if you know them:		
10.	Will you be using any of the following items with your respirator(s)?		
	a. HEPA Filters:	YES	NO
	b. Canisters (for example, gas masks):	YES	NO
	c. Cartridges:	YES	NO
11.	How often are you expected to use the respirator(s) (circle "yes" or "no" for all answers that apply to you)?:		
	a. Escape only (no rescue):	YES	NO
	b. Emergency rescue only:	YES	NO
	c. Less than 5 hours per week:	YES	NO
	d. Less than 2 hours per day:	YES	NO

	e. 2 to 4 hours per day:	YES	NO
	f. Over 4 hours per day:	YES	NO
12.	During the period you are using the respirator(s), is your work effort:		
	a. Light (less than 200 kcal per hour):	YES	NO
	If "yes," how long does this period last during the average shift:	_____ hrs.	_____ mins.
	Examples of a light work effort are sitting while writing, typing, drafting, or performing light assembly work; or standing while operating a drill press (1-3 lbs.) or controlling machines.		
	b. Moderate (200 to 350 kcal per hour):	YES	NO
	If "yes," how long does this period last during the average shift:	_____ hrs.	_____ mins.
	Examples of moderate work effort are sitting while nailing or filing; driving a truck or bus in urban traffic; standing while drilling, nailing, performing assembly work, or transferring a moderate load (about 35 lbs.) at trunk level; walking on a level surface about 2 mph or down a 5-degree grade about 3 mph; or pushing a wheelbarrow with a heavy load (about 100 lbs.) on a level surface.		
	c. Heavy (above 350 kcal per hour):	YES	NO
	If "yes," how long does this period last during the average shift:	_____ hrs.	_____ mins.
	Examples of heavy work are lifting a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; shoveling; standing while bricklaying or chipping castings; walking up an 8-degree grade about 2 mph; climbing stairs with a heavy load (about 50 lbs.).		
13.	Will you be wearing protective clothing and/or equipment (other than the respirator) when you're using your respirator:	YES	NO
	If "yes," describe this protective clothing and/or equipment:		
14.	Will you be working under hot conditions (temperature exceeding 77 [degrees] F):	YES	NO
15.	Will you be working under humid conditions:	YES	NO
16.	Describe the work you'll be doing while you're using your respirator(s):		

17.	Describe any special or hazardous conditions you might encounter when you're using your respirator(s) (for example, confined spaces, life-threatening gases):	
18.	Provide the following information, if you know it, for each toxic substance that you'll be exposed to when you're using your respirator(s):	
	Name of the first toxic substance:	
	Estimated maximum exposure level per shift:	
	Duration of exposure per shift:	
	Name of the second toxic substance:	
	Estimated maximum exposure level per shift:	
	Duration of exposure per shift:	
	Name of the third toxic substance:	
	Estimated maximum exposure level per shift:	
	Duration of exposure per shift:	
	The name of any other toxic substances that you'll be exposed to while using your respirator:	
19.	Describe any special responsibilities you'll have while using your respirator(s) that may affect the safety and well-being of others (for example, rescue, security):	

**APPENDIX D**



**Department of Public Safety  
Maine State Police  
Respiratory Protection Program (RPP) Hazard Assessment by Task**

*Initial assessment completed 12/01/2014. Assessment must be reviewed annually as a part of the policy review*

<b>Task</b>	<b>Hazard</b>	<b>Respirator</b>	<b>Training / Notes</b>	<b>Applicability</b>
Civil Disobedience	Deployed chemical agents	Millennial full face APR Respirator		All sworn
Initial response to hazardous materials incident	Chemicals present in environment	Millennial full face APR Respirator		All Sworn
Apprehending, restraining, searching and transporting suspects	Bloodborne or airborne infectious disease	3M™ Half Facepiece Reusable Respirator 7500 Series		All Sworn
Assisting injured victims, administering first aid	Bloodborne pathogens or Air borne diseases	3M™ Half Facepiece Reusable Respirator 7500 Series		All Sworn

Processing crime scenes, gathering and processing evidence	Bloodborne pathogens/airborne diseases	3M™ Half Facepiece Reusable Respirator 7500 Series		1. All Sworn 2. Crime Laboratory staff
Underwater diving for evidence recovery, inspections and evidence recovery		1. SCBA 2. Surface Air Supply	1. Certified dive training, advanced training and required in-service 2. Respiratory Protection Program	URT Team members
Handling explosive materials and suspicious devices	Respiratory needs to avoid injuries from working with explosive materials and devices	1. SCBA	1. FBI Hazardous Devices School certification 2. Respiratory Protection Program	Bomb Team members



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

Home | Search Orders:

**SUBJECT: MAINE STATE POLICE POLICY REGARDING STRIP SEARCHES, MANUAL MOUTH SEARCHES, AND BODY CAVITY SEARCHES OF ARRESTEES | NUMBER: E-125**

**EFFECTIVE DATE: 03.23.2017 | RECENT HISTORY: AMENDED (03.23.2017); NEW (12.22.2016)**

**DISTRIBUTION CODE: 2**

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy governing strip searches, manual mouth searches, and body cavity searches of arrestees.

### II. POLICY

1. The policy of the Maine State Police is, when necessary, to conduct strip searches, manual mouth searches, and/or body cavity searches of arrestees, in accordance with applicable law, including, but not limited to, the [Fourth Amendment of the Constitution of the United States of America, Article I, §5 of the Maine Constitution, 5 M.R.S. sec. 200-G, Strip searches and body cavity searches, and 26-239 C.M.R. Chapter 1, Rules for Strip Searches, Manual Mouth Searches, and Body Cavity Searches of Arrestees.](#)

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Arrestee. "Arrestee" means a person who has been placed under custodial arrest by a law enforcement officer.
    1. Once remanded by a court to a facility, the person is no longer considered an arrestee.
  - B. Body cavity search. "Body cavity search" means an inspection of an arrestee's anal or vaginal cavity by insertion of fingers or instruments.
  - C. Facility. "Facility" means any state correctional or detention facility, county institution or facility, or local lockup.
  - D. Law enforcement officer. "Law Enforcement Officer" means, for purposes of this policy, a "law enforcement officer" as defined in 17-A M.R.S.A. §2(17), a "law enforcement officer" as defined in 25 M.R.S.A. §2801-A(5), a "transport officer" as defined in 25 M.R.S.A. §2801-A(8), a "corrections officer" as defined in 17-A M.R.S.A. §2(5-A) and 25 M.R.S.A. §2801-A(2), a "corrections supervisor" as defined in 17-A M.R.S.A. §2(5-B), or a jailer, jailer's assistant, or employee as provided for in 30-A M.R.S.A. §1501.
  - E. Manual mouth search. "Manual mouth search" means a search of an arrestee's mouth, including any dentures located in the mouth, with the use of fingers or instruments.

- F. Medically trained personnel. "Medically trained personnel" means a licensed physician, physician's assistant, nurse practitioner, or registered nurse.
- G. Strip search. "Strip search" means a search during which any private part of an arrestee's body, including an arrestee's anal or genital area or buttocks or a female arrestee's breasts, is visually inspected.
  - 1. There may not be any manual search of the arrestee during a strip search except for a manual mouth search unless the rules governing body cavity searches are complied with. See [26-239 C.M.R. Chapter 1, Rules for Strip Searches, Manual Mouth Searches, and Body Cavity Searches of Arrestees](#).

#### IV. PROCEDURE

##### 1. PRECONDITIONS FOR SEARCH

###### A. STRIP SEARCH AND MANUAL MOUTH SEARCH

- 1. An arrestee may be subjected to a strip search and/or manual mouth search if either of the following preconditions for such searches exists:
  - a. An arrestee for a violent, weapon, or drug offense, or a corresponding juvenile offense, may be subjected to a strip search and/or manual mouth search.
  - b. An arrestee for other than a violent, weapon, or drug offense, or corresponding juvenile offense, may be subjected to a strip search and/or manual mouth search if the law enforcement officer authorizing (and, if applicable, conducting) such search has probable cause to think that the arrestee is concealing on or inside the arrestee's body a weapon, contraband, or evidence of a crime.
    - 1. Probable cause may be based on such factors as the nature of any offense for which the arrestee has previously been arrested, any prior facility history of the arrestee, the arrestee's appearance, the arrestee's conduct, and items found during a less intrusive search.
    - 2. Where probable cause exists to conduct a strip search and/or manual mouth search, the arresting officer shall make a request for such action to the officer's supervisor that clearly defines the basis for probable cause. That the request was made must be documented.

###### B. BODY CAVITY SEARCH

- 1. An arrestee may be subjected to a body cavity search if the law enforcement officer authorizing such search has probable cause to believe that the arrestee is concealing inside a body cavity a weapon, contraband, or evidence of a crime.
  - a. The search must be conducted pursuant to a search warrant issued upon probable cause.
    - 1. The warrant may be dispensed with, however, under the constitutionally recognized exceptions of exigent circumstances or consent.
      - A. **Consent must be given in writing, using the [Consent to Search Form](#).**
    - b. Where probable cause exists to conduct a body cavity search, the arresting officer shall make a written request for such action to the officer's supervisor that clearly defines the basis for probable cause.
  - 2. An arrestee who is pregnant shall NOT be subject to a body cavity search.

##### 2. STRIP SEARCHES AND MANUAL MOUTH SEARCHES

###### A. PERSON TO CONDUCT SEARCH

- 1. A strip search and manual mouth search must be conducted by:

- a. A law enforcement officer or officers of the same gender as the arrestee; or
    - b. Medically trained personnel of the same gender as the arrestee.
  - B. EXCLUSION OF THIRD PERSONS
    1. A strip search and manual mouth search cannot be observed by persons other than:
      - a. Persons conducting the search as identified in IV(2)(A), above; and
      - b. Only the number of law enforcement officers of the same gender as the arrestee necessary to be present at the search for one or more law enforcement purposes, such as:
        1. The protection of the person conducting the search;
        2. The witnessing of the removal of any weapon, contraband, or evidence of a crime from the body or clothing of the arrestee;
        3. The seizure of such weapon, contraband, or evidence; and
        4. Any other legitimate law enforcement purpose.
    - C. Persons conducting or observing strip and manual mouth searches shall treat arrestees with respect to minimize embarrassment and indignity.
3. BODY CAVITY SEARCHES
  - A. PERSON TO CONDUCT SEARCH
    1. A body cavity search must be conducted by medically trained personnel of the same gender as the arrestee.
    2. A body cavity search shall not be conducted by a law enforcement officer, unless the law enforcement officer is also medically trained personnel.
  - B. EXCLUSION OF THIRD PERSONS
    1. A body cavity search cannot be observed by persons other than:
      - a. The medically trained personnel conducting the search; and
      - b. Only the number of law enforcement officers of the same gender as the arrestee necessary to be present at the search for one or more law enforcement purposes, such as:
        1. The protection of the medically trained personnel;
        2. The witnessing of the removal of any weapon, contraband, or evidence of a crime from the body or clothing of the arrestee;
        3. The seizure of such weapon, contraband, or evidence; and
        4. Any other legitimate law enforcement purpose.
    - C. Persons conducting or observing body cavity searches shall treat arrestees with respect to minimize embarrassment and indignity.
4. CLOSURE CODE REQUIREMENT
  1. After conducting a strip search, manual mouth search, or body cavity search, the officer who did so shall request a separate closure code that will be coded to account for each such search.
    - A. The closure code will require a description of the type of search or searches ("manual mouth search," "strip search," "body cavity search") conducted in each case.
5. REPORTING
  - A. Each strip search, manual mouth search, and body cavity search of an arrestee must be documented in a [Maine State Police Search of Person Report](#) within twenty-four (24) hours after the search is conducted.
    1. All applicable areas of the report must be completed, and the report, signed by the officer who conducted the search.

2. The report must then be submitted to and reviewed and approved by the officer's direct supervisor.
    - a. Such approval must be indicated in writing.
  3. Once the report is approved by the officer's direct supervisor, the direct supervisor shall forward the report to the Commanding Officer of the Troop or Unit of jurisdiction, for review and approval.
    - a. Such approval must be indicated with the written signature of the Commanding Officer.
    - b. The Troop Commander's approval of the report indicates (1) that, given the circumstances of the incident, the search was justified pursuant to the requirements of this policy, and (2) the report is complete and thorough.
  4. Once the report is approved by the the Commanding Officer of the Troop or Unit of jurisdiction, he or she shall scan the report, and then forward a copy of the report to the Maine State Police Training Unit.
    - a. The Training Unit shall review and assess the report to determine whether -- and, if so, how -- any aspects of training need to be improved;
    - b. After the Training Unit's review of the report is completed, the Commanding Officer of the Training Unit shall sign the report, create a scanned copy of it, and then forward the report to the Office of Professional Standards. The Office of Professional Standards will then file the report in IAPro for reporting purposes.
- B. Reports required under this section must be kept for a minimum of seven (7) years.
- C. Reports required under this section must indicate, at a minimum:
1. The name of the officer who ordered the search;
  2. The name of the officer or medically trained personnel who conducted the search;
  3. The names of the officers present at the search;
  4. The name of the arrestee;
  5. The type of search conducted (strip search, manual mouth search, or body cavity search);
  6. The parts of the body searched, and the justification or justifications for the search (e.g., (1) search warrant, (2) exigent circumstances and probable cause, (3) consent, (4) arrestee for a violent, weapon, or drug crime, or corresponding juvenile offense, or (5) arrestee for other than a violent, weapon, or drug crime, or corresponding juvenile offense, combined with reasonable suspicion).
    - a. Where the justification for a warrantless search is based on the existence of probable cause and exigent circumstances or reasonable suspicion, such probable cause and exigent circumstances or reasonable suspicion shall be summarized in the report.
    - b. Where the justification for a warrantless search is consent, the written consent must be retained for a minimum of seven (7) years.
6. NONAPPLICABILITY OF GENERAL ORDER
1. This General Order does not apply to persons who are taken into custody for execution of a sentence, who have been remanded by a court to a facility, or who are already inmates of a facility.
    - A. Strip searches, manual mouth searches, and body cavity searches of such persons are governed by the Fourth Amendment to the United States Constitution, Article I, §5 of the Maine Constitution, and existing policies and

procedures of facilities.

2. This General Order does not apply to other types of searches of arrestees or other persons, including, but not limited to, pat down or frisk searches and visual mouth searches.
  - A. Such other searches are governed by the Fourth Amendment to the United States Constitution, Article I, §5 of the Maine Constitution, and existing policies and procedures of facilities.

**[ATTACHMENT](#)**

**[Consent to Search Form](#)**

**[Maine State Police Search of Person Report](#)**

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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STATE OF MAINE  
MAINE STATE POLICE

**CONSENT TO SEARCH FORM**

I, \_\_\_\_\_ (DOB \_\_\_ / \_\_\_ / \_\_\_ ), hereby freely and voluntarily consent to the following type of search(es)\* to be performed on me (check each box that applies):

- A STRIP SEARCH
- A MANUAL MOUTH SEARCH
- A BODY CAVITY SEARCH, which shall be conducted at a local hospital either by a physician or by other medically trained personnel acting at the direction of a physician.

\* For the purposes of this consent to search form, the terms “body cavity search,” “manual mouth search,” and “strip search” are defined as follows:

**Body cavity search.** “Body cavity search” means an inspection of an arrestee’s anal or vaginal cavity by insertion of fingers or instruments.

**Manual mouth search.** “Manual mouth search” means a search of an arrestee’s mouth, including any dentures located in the mouth, with the use of fingers or instruments.

**Strip search.** “Strip search” means a search during which any private part of an arrestee’s body, including an arrestee’s anal or genital area or buttocks or a female arrestee’s breasts, is visually inspected. There may not be any manual search of the arrestee during a strip search except for a manual mouth search unless the rules governing body cavity searches are complied with.

I have read and understand the above information, and hereby freely and voluntarily consent to the type(s) of search(es) of me indicated above. I have read and understand the above information, and hereby freely and voluntarily consent to the type(s) of search(es) of me indicated above.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name of witness: \_\_\_\_\_

**MAINE STATE POLICE SEARCH OF PERSON REPORT**

**Case Number:**

**SUBJECT INFORMATION**

**Name:**

**Date of birth:**

**SSN:**

**Phone:**

**Sex:**

**Race:**

**Ethnicity:**

**Current address:**

**City:**

**State:**

**ZIP Code:**

**FBI #:**

**SBI#:**

**Probation/Parole:**

**DETENTION LOCATION**

**Type of arrest/detention:**

**Date:**

**Time:**

**Location:**

**Troop that offense took place in:**

**SEARCH SPECIFICS**

**Type of search:**

**Justification for search:**

**Physical location where search took place:**

**Date of search:**

**Time of search:**

**Name of supervisor notified prior to search:**

**Name of primary investigator:**

**Name(s) of person(s) partaking in search:**

**Name of trained medical personnel partaking in search if applicable:**

**Search results:**

**SUPERVISOR SIGNATURE:**

**TROOP COMMANDER SIGNATURE:**

\*\*\*Form must be completed and submitted to the immediate supervisor with complete narrative within twenty-four (24) hours of the incident.



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

Home | Search Orders:

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING RELEASE OF FIREARMS IN THE CUSTODY OF THE AGENCY | **NUMBER:** E-126

**EFFECTIVE DATE:** 12.01.2017 | **RECENT HISTORY:** AMENDED (12.01.2017); AMENDED (12.13.2016); NEW (08.13.2015)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

**DATE:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the release of firearms in the agency's custody to any person.

### II. POLICY

1. The policy of the Maine State Police is that no firearm in the custody of the agency may be released to any person without first following the procedure set forth in this General Order.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. None.

### IV. PROCEDURE

1. RELEASE OF FIREARM TO THE OWNER OF THE FIREARM
  - A. Prior to releasing a firearm currently in the custody of the agency to the owner of the firearm, the following must occur:
    1. The person must furnish satisfactory proof of his or her identity by presenting at least one form of identification that includes the person's photograph;
    2. The person must complete and provide to the agency [Form E-126\(A\), Firearm Certification Form](#);
    3. The person must complete and provide to the agency [Form E-126\(B\), Firearm Release Form](#);
    4. A Maine SBI check (purpose code F) and a III ("Triple-I") check on the person must be conducted to learn whether the person is disqualified from owning or possessing a firearm;
    5. A NICS query must be performed on the person to whom the firearm is to be released to ensure that the firearm is not given to a person who has been flagged in NICS as not eligible to purchase a firearm;
    6. The firearm's serial number must be run in the METRO system to verify the firearm is not listed as lost or stolen; and

7. Verification must be made that the firearm does not need to be retained for any ongoing criminal investigation or pending prosecution.
2. RELEASE OF FIREARM TO A THIRD PARTY WHO IS NOT THE OWNER OF THE FIREARM
    - A. **A firearm relinquished to the Maine State Police as a result of a Court Order CANNOT be released to a third party unless the Court Order itself authorizes that third party to be provided with the firearm. See, e.g., [Sample Order](#).**
    - B. Prior to releasing a firearm currently in the custody of the agency to a third party who is not the owner of the firearm, the following must occur:
      1. The person must furnish satisfactory proof of his or her identity by presenting at least one form of identification that includes the person's photograph;
      2. The person must complete and provide to the agency [Form E-126\(A\), Firearm Certification Form](#);
      3. The person must complete and provide to the agency [Form E-126\(B\), Firearm Release Form](#);
      4. The person must provide the agency [Form E-126\(C\), Permission to Release Firearm to a Third Party](#), after having had the owner of the firearm complete the form;
        - a. If the owner of the firearm is reported to be deceased, then the person must present written documentation to the agency evidencing either that he or she is authorized to obtain the firearm on behalf of the late owner's estate, or that he or she has inherited the firearm from the late owner;
      5. The person must complete and provide to the agency [Form E-126\(D\), Firearm Agreement Form](#);
      6. A Maine SBI check (purpose code F) and a III ("Triple-I") check on the person must be conducted to learn whether the person is disqualified from owning or possessing a firearm;
      7. A NICS query must be performed on the person to whom the firearm is to be released to ensure that the firearm is not given to a person who has been flagged in NICS as not eligible to purchase a firearm;
      8. The firearm's serial number must be run in the METRO system to verify the firearm is not listed as lost or stolen; and
      9. Verification must be made that the firearm does not need to be retained for any ongoing criminal investigation or pending prosecution.
  3. ATTACHMENTS TO SPILLMAN CASE
    - A. All SBI, III and NICS results are to be attached to the Spillman case associated with the seizure of the firearm.
  4. REMAINING UNCERTAINTY AFTER FOLLOWING PROCEDURES SET FORTH IN THIS ORDER
    - A. If, after following the procedures set forth in sections 1 or 2, above, a reasonable degree of uncertainty remains about whether a firearm may be released to the person, further steps to resolve that uncertainty must be taken.
      1. The subject firearm may **not** be released to the person until such time that a reasonable degree of certainty exists that the person is permitted to possess the firearm.

#### ATTACHMENTS

- [Form E-126\(A\), Firearm Certification Form](#)
- [Form E-126\(B\), Firearm Release Form](#)
- [Form E-126\(C\), Permission to Release Firearm to a Third Party](#)
- [Form E-126\(D\), Firearm Agreement Form](#)

**NOTICE: THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

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**MAINE STATE POLICE  
FIREARM CERTIFICATION FORM**

- This form must be completed prior to releasing a firearm in the custody of the Maine State Police to any person.

I, , hereby certify that to the best of my knowledge and belief:

1.	I have not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;	INITIALS
2.	I am not a fugitive from justice;	INITIALS
3.	I am not an unlawful user of or addicted to any controlled substance;	INITIALS
4.	I neither have been adjudicated as mentally defective nor have been committed to a mental institution;	INITIALS
5.	I have not been discharged from the Armed Forces under dishonorable conditions;	INITIALS
6.	I have not renounced my United States citizenship;	INITIALS
7.	I am not subject to a court-issued protection from abuse or protection from harassment order;	INITIALS
8.	I have not been convicted in any court of a misdemeanor crime of domestic violence; and	INITIALS
9.	To the best of my knowledge and belief, I am not otherwise prohibited from owning or possessing a firearm either under any States' laws or under Federal law, nor am I prohibited from owning or possessing a firearm pursuant to a court order.	INITIALS

SIGNATURE:

DATE:

WITNESS SIGNATURE:

**MAINE STATE POLICE  
FIREARM RELEASE FORM**

- This form must be completed prior to releasing a firearm in the custody of the Maine State Police to any person.

I, , HEREBY RELEASE, HOLD HARMLESS, AND FOREVER DISCHARGE THE STATE OF MAINE AND ALL OF ITS DEPARTMENTS AND AGENCIES, INCLUDING, BUT NOT LIMITED TO, ITS DEPARTMENT OF PUBLIC SAFETY AND ITS BUREAU OF THE MAINE STATE POLICE, AND ALL OF THE STATE OF MAINE'S OFFICIALS, EMPLOYEES, AND INDEPENDENT CONTRACTORS, PAST AND PRESENT, FROM ANY AND ALL CLAIMS, DEMANDS, RIGHTS, LIABILITIES, MANNERS OF ACTION, AND CAUSES OF ACTION, INCLUDING CLAIMS FOR COSTS AND ATTORNEYS' FEES, THAT ARE KNOWN OR UNKNOWN AND WHICH ARE NOW EXISTING OR WHICH MAY EXIST IN THE FUTURE ARISING FROM OR RELATING IN ANY WAY TO MY TAKING CUSTODY AND CONTROL OF THE FIREARM(S) BEING RELEASED TO ME BY THE MAINE STATE POLICE.

I FURTHER AGREE THAT THIS PROVISION EXTENDS TO ALL ACTS OF NEGLIGENCE OF ANY RELEASEE AND IS INTENDED TO BE AS BROAD AND INCLUSIVE AS IS PERMITTED BY LAW.

SHOULD I OR MY SUCCESSORS ASSERT A CLAIM IN CONTRAVENTION OF THIS RELEASE PROVISION, I OR MY SUCCESSORS SHALL BE LIABLE FOR THE EXPENSES (INCLUDING, BUT NOT LIMITED TO, LEGAL FEES) INCURRED BY THE OTHER PARTY OR PARTIES IN DEFENDING, UNLESS THE OTHER PARTY OR PARTIES ARE FINANCIALLY ADJUDGED LIABLE ON SUCH CLAIM FOR WILLFUL AND WANTON NEGLIGENCE.

SIGNATURE:

DATE:

WITNESS SIGNATURE:

**MAINE STATE POLICE  
PERMISSION TO RELEASE FIREARM TO A THIRD PARTY**

- This form **must** be completed by the owner of a firearm in the custody of the Maine State Police prior the release of that firearm to a person designated by the owner in the form to receive the firearm.

I, \_\_\_\_\_, hereby authorize the Maine State Police to release (check one):

- Any and all firearms
- The following firearms:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

belonging to me that are in Maine State Police custody, to the following individual, who, to the best of my knowledge and belief, may lawfully possess firearms:

Full name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Town of residence: \_\_\_\_\_

State of residence: \_\_\_\_\_

Telephone number: \_\_\_\_\_

SIGNATURE:

\_\_\_\_\_

DATE:

\_\_\_\_\_

WITNESS SIGNATURE:

\_\_\_\_\_





# MAINE STATE POLICE GENERAL ORDER

**E-127**

**SUBJECT:** MAINE STATE POLICE POLICY ESTABLISHING A PRODUCT EVALUATION PROCESS

**EFFECTIVE DATE:** 01.18.2019

**RECENT HISTORY:** AMENDED (TECHNICAL AMENDMENT; REFORMATTED)(01.18.2019); NEW (02.01.2016)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

## I. PURPOSE

1. The purpose of this General Order is to establish the process the Maine State Police shall use to evaluate products proposed by vendors or personnel for possible acquisition by the agency.

## II. POLICY

1. The policy of the Maine State Police is, through the process set forth herein, to uniformly evaluate any product proposed by vendors or personnel for possible acquisition by the agency.

## III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Product. "Product" means an item such as (as examples only) a radar or laser speed measuring device, a portable radio, a uniform (including, but not limited to, duty belt and associated equipment), a ballistic vest, a firearm, specialty team equipment, and any other such equipment essential to Maine State Police operations. "Product" does **not** include the following:
  - 1. Paper materials;
  - 2. Office supplies;
  - 3. Household supplies; and
  - 4. Replacements of items already used by the agency with upgraded versions of the same items.
- B. Product Evaluation Report (PER). "Product Evaluation Report (PER)" means the report that must be completed whenever a product that has been proposed for acquisition by the Maine State Police is evaluated by the agency.
- C. Vendor. "Vendor" means a representative of a company that manufactures or sells goods.

#### **IV. PROCEDURE**

- 1. VENDORS TO BE REFERRED TO MAINE STATE POLICE SUPPLY
  - A. Maine State Police personnel shall refer vendors proposing products for possible acquisition by the Maine State Police, to the Supervisor of Maine State Police Supply.
- 2. SUBMISSION OF PRODUCT PROPOSALS BY MEMBERS OF THE MAINE STATE POLICE
  - A. Any member of the Maine State Police may forward a memorandum through the Chain of Command to the Supply Supervisor, proposing the evaluation of a product for possible acquisition by the agency.
    - 1. The memorandum must include the following:
      - a. A general description of the proposed product;
      - b. A statement of the purpose(s) for which the proposed product would be acquired;
      - c. A statement of why the proposed product is needed by the agency;
        - (1) If the proposed product would be a new type of item to be acquired by the agency, the

memorandum must identify what function(s) the item would serve in addition to products already used by the agency;

- (2) If the proposed product would replace an item currently used by the agency, the memorandum must explain why the currently used item is inadequate;

d. A statement of the Maine State Police Unit(s), Troop(s), and/or Specialty Team(s) that would use the proposed product;

e. A statement of the cost of the proposed product; and

f. Identification of the company that manufactures the proposed product.

- (1) The name of a contact person at the company, and that person's contact information, must also be provided in the memorandum.

### 3. EVALUATION DETERMINATIONS OF PRODUCTS PROPOSED BY MEMBERS OF THE MAINE STATE POLICE

A. Supply shall be provided with and review each memorandum required under Section 2, above, and then make a determination of whether or not a proposed product will be evaluated for possible acquisition by the agency.

1. If a proposed product is not to be evaluated, Supply shall notify the member who originally proposed the product of that decision.

2. If a proposed product is to be evaluated, Supply shall devise a plan to appropriately test it.

- a. To the extent safe and appropriate, the plan to evaluate the product may include having a limited number of officers use the product in simulated and/or real-life scenarios.

- b. When a proposed product is evaluated, it will be evaluated for:

- (1) Quality;
- (2) Durability;
- (3) Functionality.

### 4. EVALUATION DETERMINATIONS OF PRODUCTS PROPOSED BY VENDORS

- A. Whenever a product is proposed by a vendor for possible acquisition by the agency, Supply shall make a determination of whether or not the proposed product will be evaluated by the agency.
  - 1. If a product proposed by a vendor is to be evaluated, Supply shall devise a plan to appropriately test it.
    - a. To the extent safe and appropriate, the plan to evaluate the product may include having a limited number of officers use the product in simulated and/or real-life scenarios.
    - b. When a proposed product is evaluated, it will be evaluated for:
      - (1) Quality;
      - (2) Durability;
      - (3) Functionality.

5. PRODUCT EVALUATION REPORT (PER)

- A. Whenever a proposed product is evaluated by the agency, a Product Evaluation Report (PER) must be completed.
  - 1. The preparation of the PER is to ensure:
    - a. That the evaluation of each proposed product is documented in a uniform manner; and
    - b. That the return of the tested product to the vendor is documented upon completion of the agency's evaluation.
- B. A PER must be initiated by Supply whenever a proposed product is to be evaluated.
- C. Except as applicable law otherwise provides, a PER is a record accessible to the public pursuant to the Maine Freedom of Access Act.
- D. The PER shall be prepared and completed by the use of a standardized form.
  - 1. Supply shall complete all fields of the form **above** the section of the form entitled "Field Test Results."
  - 2. An officer evaluating the proposed product shall complete the "Field Test Results" and "Conclusions" fields of the form.

- E. A copy of the PER must accompany the product to be tested when the product is forwarded to an officer responsible for evaluating the product.
  - F. Once a proposed product has been evaluated, the officer conducting the evaluation shall:
    - 1. Complete the PER form (see subsection 3(D)(2) above);
    - 2. Forward the completed PER to Supply;
      - a. Once received by Supply, a copy of the PER must remain on file at Supply in accordance with the applicable record retention schedule; and
    - 3. Return the proposed product that was tested by the officer to Supply.
  - F. Supply shall coordinate the return of the evaluated product to the vendor from which the product was acquired for evaluation.
6. RECOMMENDATION OF SUPPLY; DETERMINATION OF THE SUPPORT SERVICES MAJOR OF WHETHER A PROPOSED PRODUCT IS TO BE ACQUIRED
- A. Supply shall make a recommendation to the Support Services Major upon completion of its review of the Product Evaluation Report.
    - 1. Supply's recommendation shall be one of the following:
      - a. The proposed product should be immediately acquired by the agency;
      - b. The proposed product should possibly be acquired at some future time by the agency; or
      - c. The proposed product should not be considered for acquisition by the agency.
  - B. The Support Services Major shall determine whether a proposed product is to be acquired by the agency, and that determination shall be based upon:
    - 1. The results of the product evaluation process, as documented in the PER;
    - 2. The recommendation of Supply;
    - 3. The cost to acquire the proposed product; and
    - 4. The overall operational priorities and needs of the Maine State Police.

- C. Once the Support Services Major has determined whether a proposed product is to be acquired by the agency, he or she shall notify Supply, and, if applicable, Supply will then inform the member who originally proposed the product of the Major's decision.

**ATTACHMENT(S)**

**PRODUCT EVALUATION REPORT**

**NOTICE**

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MAINE STATE POLICE SUPPLY  
RESEARCH AND DEVELOPMENT

PRODUCT EVALUATION REPORT

Date Received:

Date Returned:

Product:

Serial #:

Vendor and/ or Contact Person:

Vendor/ or Contact Phone Number:

Evaluation Period:           to

Intended Use:

Evaluator:

Troop:

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TO BE FILLED OUT BY THE EVALUATOR

## Field Test Results:

Do you recommend this product?  YES  NO

Field Testing Comments:

Conclusions:



## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY ESTABLISHING THE MAINE STATE POLICE CROWD MANAGEMENT TEAM | **NUMBER:** E-128

**EFFECTIVE DATE:** 11.09.2016 | **RECENT HISTORY:** NEW (11.09.2016)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF  
COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Crowd Management Team ("CMT").

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To select and train a CMT Leader and a sufficient number of Assistant Leaders to coordinate the CMT under the Training Unit of the Support Services Division.
  - B. Select, train, and equip a sufficient number of sworn members so that they can act as members of the CMT, when necessary;
  - C. To provide operational guidance to personnel regarding crowd management during crowd events, including, but not limited to, public demonstrations and sporting events;
  - D. To exercise crowd management with the reasonable level of direction and control to protect life and property, maintain or restore order, and to ensure that the Constitutional rights of all persons are protected;
  - E. To use justified and reasonable force needed to conduct crowd management; and
  - F. To plan and respond to crowd events utilizing the NIMS and the principles of the Incident Command System, including the use of the Maine State Police IMAT when appropriate.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. "CDP". "CDP" is an acronym for "Center for Domestic Preparedness".

- B. Crowd management. "Crowd management" means the use of techniques to manage a crowd event in a safe, orderly, and effective manner.
  - 1. Crowd management can be accomplished in part through coordination with event planners and group leaders, venue design and planning, traffic control, permit issuance, and review of similar previous events.
    - a. Additionally, crowd management may include crowd containment techniques, crowd dispersal tactics, and arrest procedures.
- C. Crowd event. "Crowd event" means an assembly, either planned or spontaneous, involving a group of people.
  - 1. A Crowd Event may take the form of a rally, protest, parade, or march, as examples.
- D. Crowd Management Team ("CMT"). "Crowd Management Team" ("CMT") means the team established by this policy that consists of sworn members of the Maine State Police who are deployed to provide an organized, disciplined response to crowd events that require or might require crowd management.
- E. Planned crowd event. "Planned crowd event" means an event (such as a demonstration) whose organizers have planned and publicized, and, when applicable, obtained a permit in advance.
- F. Riot. "Riot" means (per [17-A M.R.S. sec. 503](#)) an incident in which a person, together with 5 or more other persons, engages in disorderly conduct, as defined at [17-A M.R.S. sec. 501-A](#), either:
  - 1. With intent imminently to commit or facilitate the commission of a crime involving physical injury or property damage against persons who are not participants; or
  - 2. When the person or any other participant to the person's knowledge uses or intends to use a firearm or other dangerous weapon in the course of the disorderly conduct.
- G. Spontaneous crowd event. "Spontaneous crowd event" means a crowd event occurring in a public location that was not planned or publicized, and, when applicable, authorized by a permit, in advance.

#### **IV. PROCEDURE**

##### **1. TEAM SELECTION**

- A. The Colonel shall select the CMT Leader and a sufficient number of Assistant Leaders to coordinate the CMT.
- B. A sufficient number of officers shall be selected within each field Troop and designated to perform CMT functions as needed.
  - 1. These officers shall receive additional periodic training, and shall serve in a primary response role to crowd events under the direction of the CMT Leader.

##### **2. TRAINING**

- A. The CMT Leader shall ensure that periodic mandatory training is conducted for all sworn members of the Maine State Police in order to ensure operational preparedness.
- B. Each CMT training session shall contain at least one of the following:

1. A CMT training exercise;
    2. A scenario-driven/-based training event.
  - C. All CMT training instructors shall complete crowd management training programs provided by the CDP.
    1. Specifically, CMT training instructors must complete the following programs:
      - a. Field Force Operations (FFO);
      - b. Field Force Extrication (FFE); and
      - c. Field Force Command (FFC).
  - D. All Commissioned Officers shall complete the Field Force Command (FFC) training provided by the CDP, as well as the in-service training provided to all sworn personnel regarding Field Force Operations (FFO).
3. CMT EQUIPMENT
  - A. The CMT Leader shall be responsible for all equipment issued to personnel and stored at Maine State Police facilities.
  - B. The CMT Leader, or designees, shall maintain inventory, inspect, and replace equipment and materials as deemed necessary.
  - C. Additional CMT equipment may be issued to CMT members, including, but not limited to, shields, Hatch gear, and grenadier rigs.
  - D. CMT members shall check, properly maintain, and care for all of their issued equipment.
  - E. CMT equipment that becomes defective or does not function properly shall be reported by a member to the CMT Leader immediately.
  - F. CMT members shall carry all issued equipment in their respective State-issued vehicles.
4. CMT ACTIVATION
  - A. Non-planned
    1. Crowd events that cannot be effectively managed or controlled by on-duty members may require activation of the CMT.
    2. The on-scene supervisor shall contact the CMT Leader, or designee, to request the activation of the CMT.
    3. The on-scene supervisor shall immediately notify the Troop Commander and the State Officer of the Day, or, if they both are unavailable, the Operations and Support Services Majors, of the event that has led to the activation of the CMT.
  - B. Mobilization
    1. On each occasion when the CMT is activated, CMT members shall report with their issued equipment to a staging area designated by the CMT Leader, or designee.
  - C. CMT operations upon arrival at the scene of an event
    1. Upon arrival at the scene of an event, the CMT Leader, or designee, shall select a location for in-briefing and staging.
    2. The Incident Commander shall brief the CMT Leader on all available

information about the event to which the CMT has been assigned or is responding.

- a. Once the briefing has occurred, the CMT Leader, or a CMT Assistant Team Leader, shall assist the Incident Commander to formulate a crowd management plan.
  3. The CMT shall operate in accordance with training under the direction of the CMT Leader or Assistant Leader, who shall coordinate with, and support the objectives of, the Incident Commander.
5. DUTIES FOLLOWING ACTIVATION OF THE CMT
- A. At the conclusion of a CMT activation, the CMT Leader, or designee, shall conduct a debriefing with all CMT members present.
  - B. The Leader of the CMT, or designee, shall complete a Supplemental After Action Report describing the CMT's actions during the event.
    1. The report shall be forwarded to the Lieutenant of Special Services.
    2. The report shall include, at a minimum, the following:
      - a. A description of the event to which the CMT was assigned or responded;
      - b. Relevant background or contextual information about the event;
      - c. A description of the manner in which the CMT deployed upon arrival at the event;
      - d. A description of the actions taken by the CMT while members were at the event;
      - e. An account of all equipment that was expended, damaged, or lost during the event; and
      - f. An account of all known injuries that resulted from the event, to CMT members and civilians.
  - C. A sworn member who was assigned or responded to a crowd event, and who used force during the assignment or response, shall:
    1. Complete all applicable Use of Force reports, including, but not limited to, [Maine State Police Use of Force Report form](#); and
    2. Comply with any and all other applicable provisions of the ***MSP GO M-1, MAINE STATE POLICE POLICY REGARDING THE USE OF FORCE***.
- All Use of Force reports must be forwarded to the Training Lieutenant through the CMT Leader.

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**THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE  
STATE POLICE.**

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## MAINE STATE POLICE OPERATIONS GENERAL ORDER

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**SUBJECT:** MAINE STATE POLICE POLICY REGARDING USE OF SOCIAL MEDIA WEBSITES FOR OFFICIAL AGENCY BUSINESS | **NUMBER:** E-130

**EFFECTIVE DATE:** 02.21.2017 | **RECENT HISTORY:** AMENDED (02.21.2017); NEW (06.15.2016)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the use of social medial websites for official agency business, including, but not limited to, sharing information and agency-related news with the general public.

### II. POLICY

1. The policy of the Maine State Police is to use social media websites to share information and agency-related news with the general public in a timely, accurate, and professional manner.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Social Media Coordinator. "Social Media Coordinator" means the individual designated by the Maine State Police to coordinate and manage the content and use of the social media websites employed by the agency.
  - B. Social media website. "Social media website" means a website through which individuals and organizations may develop uniquely-identifiable profiles, and communicate and network with other individuals and organizations who visit or themselves also use the website. Examples of such websites are Facebook, Twitter, and Instagram.

### IV. PROCEDURE

1. SOCIAL MEDIA WEBSITE USE BY THE MAINE STATE POLICE GENERALLY
  - A. In creating a presence on the Internet through the use of social media websites, the Maine State Police shall ensure that the information publicly disseminated through such websites is timely, accurate, and of a professional caliber.
    1. All agency personnel share the responsibility for ensuring that any errors that appear in website postings made by the Maine State Police are brought to the attention of the Social Media Coordinator as soon as practicable, so that the errors may be corrected.
  - B. Official statements of the Maine State Police may be posted on agency-maintained social media websites with the prior approval of the Colonel, or his or her designee.
  - C. Content posted on Maine State Police social media websites by the Maine State

**Police SHALL NOT:**

1. Reflect negatively on the Maine State Police, or any sworn or civilian member thereof;
  2. Be unprofessional or disrespectful;
  3. Discriminate on the basis of race, color, national origin, sex, age, marital status, religion, ancestry, physical or mental disability, income, sexual orientation, or English proficiency;
  4. Be intentionally misleading or not factual;
  5. Be coarse, obscene, harassing, tormenting, threatening, or degrading in character;
  6. Be information that might compromise an ongoing law enforcement investigation, criminal prosecution, or the life or personal safety of one or more persons;
  7. Be information that is confidential by law (such as investigative reports), including, but not limited to, information confidential pursuant to the [Intelligence and Investigative Record Information Act \(16 M.R.S. c. 9\)](#);
  8. Advocate for or against a particular political candidate or party;
  9. Be copyrighted, except to the extent permitted pursuant to the "Fair Use Doctrine";
  10. Directly or indirectly benefit any Maine State Police employee financially; or
  11. Be defamatory.
2. COMMENTS BY MEMBERS OF THE PUBLIC ON MAINE STATE POLICE SOCIAL MEDIA WEBSITES
- A. To the extent the Maine State Police allows members of the public to post comments on agency-maintained social media websites, such comments must be permissible by law, as well as made in accordance with the "Terms of Comment" for the websites.
  - B. The Maine State Police shall respect the First Amendment free speech rights of all individuals posting comments on Maine State Police social media websites, including, but not limited to, comments with which the agency might disagree. Comments, however, that are coarse, obscene, harassing, tormenting, threatening, or degrading in character, are off-topic, that contain information that is confidential by law, or are defamatory, shall be removed.
3. SOCIAL MEDIA COORDINATOR
- A. The Maine State Police shall designate a Social Media Coordinator to develop and enhance the agency's presence on the Internet.
  - B. The Social Media Coordinator is responsible for:
    1. Ensuring that the social media websites used by the agency are maintained in accordance with this policy, as well as the Department of Administrative & Financial Services, Office of Information Technology's ["Social Media for State Business Policy"](#);
    2. Ensuring that the content posted on the social media websites used by the agency is updated on a routine basis and is factual;
    3. Soliciting website content ideas and information from agency personnel;
    4. Serving as the primary point-of-contact for Maine State Police personnel wanting to propose and submit content to be considered for posting on agency-maintained websites; and
    5. Determining when content will be posted on Maine State Police social media websites.
4. POSTINGS OF AN EMERGENCY NATURE
- A. Each Maine State Police Troop and Unit shall designate at least one individual who

shall be responsible for ensuring that information relating to imminent threats to the safety of the general public may be posted on Maine State Police social media websites at times when the Social Media Coordinator is unavailable or unable to him- or herself post such information.

1. Each such designee shall be granted access to specific Maine State Police social media websites in order to be able to post content of an emergency nature.

5. POSTINGS OF A NON-EMERGENCY NATURE

- A. The posting of content that is not of an emergency nature (such as informational postings or news) shall be made in consultation and coordination with the Social Media Coordinator.
- B. Any member of the Maine State Police may suggest content for posting on a Maine State Police social media website by contacting and working directly with the Social Media Coordinator.
- C. When content posted on a Maine State Police social media website originates from a source external to Maine State Police, appropriate attribution must be given in the post.
- D. Any member of the Maine State Police who submits original content that is posted on a social media website shall be identified (by name and position) in the post as the author of the content.

6. RETENTION OF SOCIAL MEDIA WEBSITE POSTINGS

- A. Postings on Maine State Police social media websites are to be retained in accordance with applicable record retention schedules.

7. PUBLIC ACCESS TO SOCIAL MEDIA WEBSITE POSTINGS

- A. Postings made on publicly accessible Maine State Police social media websites are public records subject to production if access to and/or copies of them are requested.

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# MAINE STATE POLICE GENERAL ORDER

## E-131

**SUBJECT:** MAINE STATE POLICE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION TITLE VI PROGRAM COMPLIANCE PLAN

**NUMBER:** E-131

**EFFECTIVE DATE:** 07.26.2019

**RECENT HISTORY:** RE-ISSUED WITHOUT SUBSTANTIVE AMENDMENTS (07.26.2019); RE-ISSUED WITHOUT SUBSTANTIVE AMENDMENTS (08.06.2018); AMENDED (07.26.2017); NEW (12.07.2016)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Federal Motor Carrier Safety Administration Title VI Program Compliance Plan of the Maine State Police.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To comply with [49 C.F.R. Part 21, "Nondiscrimination in Federally-assisted Programs of the Department of Transportation,"](#) and [49 C.F.R. Part 303, "Civil Rights";](#)
  - B. To comply with the ["United States Department of Transportation Standard Title VI Program/Non-Discrimination Assurances,"](#) attached hereto and incorporated into this Order by reference as [APPENDIX 1](#); and

- C. To designate a Title VI Program Coordinator for the Maine State Police, who shall have sufficient responsibility and authority to ensure that the plan established by this Order is effectively implemented and administered.
  - 1. The Title VI Program Coordinator is the Lt. of the Office of Professional Standards.

### III. DEFINITIONS

- 1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Complainant. "Complainant" means a person who initiates a complaint alleging discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency ("LEP"), or income-level.
  - B. Department of Public Safety Equal Employment Opportunity Coordinator. "Department of Public Safety Equal Employment Opportunity Complaint Coordinator" ("DPS EEO Coordinator") means the Equal Employment Opportunity Coordinator for the Maine Department of Public Safety, whose contact information is provided in [APPENDIX 2](#).
  - C. FMCSA. "FMCSA" means the Federal Motor Carrier Safety Administration.
  - D. Maine State Police Title VI Program Coordinator. "Maine State Police Title VI Program Coordinator" ("MSP Title VI Program Coordinator") means the individual designated by the Colonel, or designee, to ensure that the plan established by this Order is effectively implemented and administered.
    - 1. The Title VI Program Coordinator is the Lt. of the Office of Professional Standards.
  - E. Sub-recipient. "Sub-recipient" means an agency that receives FMCSA funding through the Maine State Police.
  - F. Title VI. "Title VI" references, collectively, Title VI of the Civil Rights Act of 1964 and those statutory, regulatory, and Presidential Executive Orders identified in [APPENDIX 1](#).

### IV. PROCEDURE

- 1. DESCRIPTION OF FEDERAL-AID PROGRAMS
  - A. The description of Federal-aid programs is included in [APPENDIX 4](#) of this Order.

2. NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

A. The Maine State Police shall notify members of the general public of the protections against discrimination afforded by Title VI, as well as the Title VI obligations of the agency, as listed in [APPENDIX 1](#).

1. Such notification shall be made via the Department of Public Safety "home" website and/or Maine State Police "home" website, as well as, to the extent possible, by the posting of notices and provision of informational handouts at Maine State Police offices and facilities that are accessible to the general public.

a. An example of such a notice is the ["Public Notice of Title VI Program Rights."](#)

B. At a minimum, such notification should include the following:

1. A statement that the Maine State Police operates the Federal-aid programs identified in Part IV, Section 1, above, without regard to race, color, national origin, sex, age, disability, limited English proficiency ("LEP"), or income;
2. Procedures to be followed by members of the public to request additional information about the Maine State Police's Title VI obligations; and
3. Procedures to be followed by members of the public to file discrimination complaints against the Maine State Police.

a. Such procedures should include the names of the MSP Title VI Program Coordinator and the DPS EEO Coordinator, and those respective coordinators' business contact information.

3. SUB-RECIPIENT COMPLIANCE REPORTS

A. To the extent the Maine State Police awards funding received from the FMCSA to sub-recipients, the Maine State Police shall:

1. Ensure that each sub-recipient is duly notified of its Title VI obligations as a sub-recipient of FMCSA funding;
2. Require each sub-recipient to establish, prior to receiving FMCSA funding, a compliance plan like the one established by this Order;

- a. The plan must include the assurances stated in the assurances document attached to this Order in [APPENDIX 1](#);
3. Establish procedures to generally monitor the effective administration of the program implemented by each sub-recipient to ensure the sub-recipient's compliance with its Title VI obligations;
  - a. Such procedures may include, as appropriate, documentation audits or on-site visits;
4. Require each sub-recipient to report any and all discrimination complaints received by the sub-recipient in relation to programs or services provided by the sub-recipient that are are funded by FMCSA funding.

#### 4. TRAINING

- A. Annually, the Maine State Police shall train Maine State Police sworn and civilian personnel on the Title VI obligations of the agency.
  1. Such training may include online training, the distribution and required review of this Order and/or instructional material (such as the Power Point presentation, ["FMCSA Basic Title VI Program Training" \(as of June 2016\)](#)) and/or in-person classes.

#### 5. ACCESS TO RECORDS

- A. The Maine State Police shall ensure that records relating to the implementation of this Title VI Program compliance plan -- including, but not limited to, FMCSA compliance review-related documentation and FMCSA complaint investigation-related documentation -- are available upon request for review by the FMCSA during the normal business hours of the Maine State Police.

#### 6. COMPLAINT DISPOSITION PROCESS

- A. Maine State Police personnel shall promptly communicate a complaint alleging discrimination by a member of the Maine State Police, to the MSP Title VI Program Coordinator.
- B. The Maine State Police Title VI Program Coordinator shall then:
  1. Notify the DPS EEO Coordinator of the complaint;

2. Contact the complainant to acknowledge the MSP Title VI Program Coordinator Office's receipt of the complaint; and
  3. Send the "Discrimination Complaint Information Form " (see [APPENDIX 3](#)) to the complainant for completion and submission back to the MSP Title VI Program Coordinator.
- C. Upon receipt of the completed "MSP Discrimination Complaint Information Form" form from the complainant, the MSP Title VI Program Coordinator shall contact the DPS EEO Coordinator to discuss how they will work together to most effectively and efficiently review the complaint.
1. This discussion should include, but not be limited to, making a determination of the extent to which further investigation and/or additional information from the complainant, or other parties, might be needed.
- D. Upon completion of the MSP Title VI Program Coordinator and DPS EEO Coordinator's review, the MSP Title VI Program Coordinator shall notify the complainant of whether the complaint was or was not sustained.
1. If, following review, a complaint is sustained, the MSP Title VI Program Coordinator may inform the complainant of the general remedial steps the agency will take as a result. Such information shall **not** include, however, any records or information confidential pursuant to [5 M.R.S. sec. 7070\(2\)\(E\)](#).
- E. The Maine State Police shall maintain a Title VI Program "Complaint Log," which at a minimum must include the following information for each complaint received:
1. Name of complainant;
  2. Basis of complaint (i.e., alleged discrimination based on race, based on national origin, etc.);
  3. Allegation(s) made, and the date when allegation(s) made;
  4. Determination made at the conclusion of the investigation, and the date of that determination;
  5. Any other information thought to be relevant and appropriate that relates to each investigation.

The Maine State Police shall make this complaint log available to the FMCSA upon request.

7. STATUS OF CORRECTIVE ACTIONS IMPLEMENTED BY THE MAINE STATE POLICE TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW
  - A. To the knowledge of Maine State Police Administration, the agency has not needed to implement any corrective actions to address deficiencies previously identified during a Title VI Program Compliance Review.
  
8. COMMUNITY PARTICIPATION PROCESS PLAN ELEMENT
  - A. The Maine State Police is not required to have Community Participation Process element in this plan.

**ATTACHMENT(S)**

**[APPENDIX 1, "United States Department of Transportation Standard Title VI Program/Non-Discrimination Assurances"](#)**

**[APPENDIX 2, "Maine Department of Public Safety Equal Employment Opportunity Coordinator Contact Information"](#)**

**[APPENDIX 3, "Discrimination Complaint Information Form"](#)**

**[APPENDIX 4, "Description of Federal-Aid Programs"](#)**

**NOTICE**

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**The United States Department of Transportation**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

The **Maine State Police** (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

### Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The Maine State Police, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant*

*to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

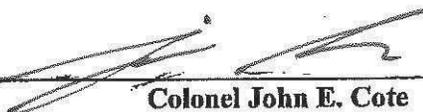
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, **The Maine State Police** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

**Maine State Police** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on **Maine**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

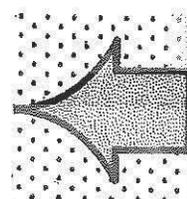
**Maine State Police**  
*(Name of Recipient)*

by

  
Colonel John E. Cote

DATED

02-17-19



## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to

protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

June 13, 2016

## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

### APPENDIX B

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the **Maine State Police** will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Maine State Police** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto **Maine State Police** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Maine State Police**, its successors and assigns.

The **Maine State Police**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **Maine State Police** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

June 13, 2016

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER  
THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX C**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Maine State Police** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Maine State Police** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **Maine State Police** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Maine State Police** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX D**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by **Maine State Police** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
  
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **Maine State Police** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
  
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Maine State Police** will there upon revert to and vest in and become the absolute property of Maine State Police and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

## APPENDIX 2

### MAINE DEPARTMENT OF PUBLIC SAFETY EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR CONTACT INFORMATION

The Equal Employment Opportunity Coordinator is Catherine A. Pease of the Department of Administrative & Financial Services, Security & Employment Service Center. Ms. Pease's contact information is as follows:

- **Mailing address:**  
Department of Administrative & Financial Services  
Security & Employment Service Center  
*Attn:* Ms. Catherine A. Pease, Equal Employment Opportunity Coordinator  
45 Commerce Dr., Suite 4  
Augusta, ME 04333-0108
- **Office telephone number:** (207) 623-6735
- **E-mail address:** [catherine.a.pease@maine.gov](mailto:catherine.a.pease@maine.gov)

## APPENDIX 3

### Department of Public Safety Discrimination Complaint Information Form

Please complete and submit this form to the Equal Employment Opportunity Coordinator identified in Appendix B, if you think you have been discriminated against based on your race, color, national origin, sex, age, disability, Limited English Proficiency ("LEP"), or income.

#### 1. Complainant Contact Information:

Please provide the following contact information:

Name:	
Mailing address:	
City:	
State:	
Zip:	
Home phone number:	
Work phone number:	
Email address:	

#### 2. Respondent Contact Information:

Please provide the following contact information of the agency and/or person against whom you are making your complaint:

Name:	
Mailing address:	
City:	
State:	
Zip:	
Business phone number:	

3. What is the most convenient time and place for us to contact you about your complaint?:

--

4. To your best recollection, on what date(s) did the discrimination against you take place?

--

Exact or approximate date of first occurrence:

--	--

Exact or approximate date of most recent occurrence:

--	--

5. Have you ever attempted to resolve this complaint with the Respondent you identified above in Question 2?

YES |  NO

6. Explain as briefly and clearly as possible what happened, and why you think you were discriminated against based on what happened. Provide as many specific details as possible. Also attach any written material that you think is relevant to your complaint.

(Please attach additional pages if needed)

--

7. Basis of Complaint: Which of the following best describes why you believe you were discriminated against (check all that apply):

- Race
- Color
- National origin
- Sex
- Age
- Disability
- Limited English Proficiency ("LEP")
- Income
- Other: Specify \_\_\_\_\_

11. What other information that you have not already provided do you think is relevant to your complaint?

(Please attach additional pages if needed)

**12. If your complaint were to be resolved to your satisfaction, what changes or remedies would you want to see made?**

**(Please attach additional pages, if necessary)**

A large, empty rectangular box with a thin black border, intended for the respondent to provide their answer to question 12. The box is currently blank.

13. Please list below any persons (witnesses, fellow employees, supervisors, or others), and their contact information, who we may contact for additional information relevant to your complaint (please attach separate pages with such persons' names and contact information, if necessary):

Name:	
Mailing address:	
Email address:	
Telephone number:	

Name:	
Mailing address:	
Email address:	
Telephone number:	

Name:	
Mailing address:	
Email address:	
Telephone number:	

14. Do you have an attorney?  Yes  No

If yes, please provide your attorney's name, mailing and email addresses, and telephone number:

Attorney name:	
Mailing address:	
Email address:	
Telephone number:	

15. Have you filed a case or complaint with any of the following (check all that apply)?:

- Civil Rights Division, United States Department of Justice
- United States Equal Employment Opportunity Commission
- Federal or State Court
- Your State or local Human Relations/Rights Commission



To the best of my knowledge and belief, the information I have provided in this "Discrimination Complaint Information Form" is true and accurate.

Having read this form and provided responses to the questions in it, I hereby freely and voluntarily sign and date this form below. (Note: This complaint form will be considered INCOMPLETE AND WILL NOT BE PROCESSED unless signed by the Complainant and a Witness to the Complainant's signature):

---

Signature of Complainant

---

Date:

---

Signature of witness to Complainant's signature

---

Date:

---

Printed name of witness to Complainant's signature

## APPENDIX 4

### DESCRIPTION OF FEDERAL-AID PROGRAMS

As of the date indicated below, the Maine State Police (“MSP”) is applying for Motor Carrier Safety Assistance Program (“MCSAP”) Basic and Incentive grants through the Federal Motor Carrier Safety Administration (“FMCSA”).

Further, the MSP also is applying for additional FMCSA grant funding through “High Priority,” “Safety Data Improvement,” “New Entrant Safety Grant,” “Border Enforcement,” and “Performance and Registration Information Systems Management” grant programs.

The MSP has been designated by the Governor of Maine to be the State’s lead MCSAP agency, and as such the agency is responsible for developing strategies aimed at reducing crashes, injuries, and fatalities involving large trucks and buses. The receipt of federal aid from the FMCSA enables the Maine State Police to further our safety mission to the equal benefit of all those who travel our highways.

**Date:** \_\_\_\_\_



## MAINE STATE POLICE GENERAL ORDER

### E-132

**SUBJECT:** MAINE STATE POLICE, MAJOR CRIME UNIT HOMICIDE CASE  
DISCOVERY POLICY

**EFFECTIVE DATE:** 01.01.2019

**RECENT HISTORY:** AMENDED (01.01.2019); TECHNICAL AMENDMENT  
(REMOVING THE WORD "ANNOTATED" FROM THE ATTACHMENT; REPLACING  
THE ATTACHMENT WITH A NONANNOTATED VERSION OF THE  
DOCUMENT)(10.03.2016); NEW (09.12.2016)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the homicide case discovery policy of the Major Crime Units of the Maine State Police.

#### II. POLICY

1. The policy of the Maine State Police is to ensure -- in accordance with applicable provisions of the Maine Rules of Unified Criminal Procedure -- for the timely and proper submission, approval, and delivery of reports and other discoverable material in homicide cases to the Office of the Attorney General.

**FOR THE PURPOSES OF THIS POLICY, ALL DISCOVERY MATERIALS MUST BE IN THE POSSESSION OF THE OFFICE OF THE ATTORNEY GENERAL, SO THAT THE MATERIALS MAY BE FURNISHED TO A DEFENDANT, NO LATER THAN SIXTY (60) DAYS FOLLOWING THE DEFENDANT'S ARRAIGNMENT DATE.**

### **III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Assistant Attorney General. "Assistant Attorney General" ("AAG") means the prosecutor from the Maine Office of the Attorney General who is assigned to oversee and provide legal advice during an investigation, and to prepare for prosecution of any criminal case resulting therefrom.
  - B. Case supervisor. "Case supervisor" means the Detective Sergeant assigned to manage, direct, supervise, and oversee all aspects of an investigation, and who works closely with the primary detective and AAG in coordinating all aspects of the investigation.
  - C. Discovery. "Discovery" means the process used by parties to a civil or criminal action to obtain materials held by the other party that is relevant to the action.
    1. For reference, *see, e.g.*, ME. R. UNIF. CRIM. P. RULE 16.
  - D. Discovery log. "Discovery log" means a log containing a description of all discovery materials that have been forwarded to and are in the custody of another person or agency.
    1. Such a log must document each specific item that has been forwarded to another person or agency, the date the item was forwarded, the manner in which the item was forwarded, and identify the person or agency and address to whom the item was forwarded.
  - E. Discovery materials. "Discovery materials" means items, including, but not limited to, records, audio and video recordings, and reports, that must be provided to a party through discovery.
  - F. Homicide booklet. "Homicide booklet" means a binder notebook containing a printed copy of each report, document, and other discovery materials associated with a homicide investigation.
    1. The homicide booklet is the primary detective's investigative file and reference booklet, and should mirror the homicide

booklet being created and maintained by the AAG assigned to oversee and prosecute any criminal case resulting from the investigation.

**NOTE: HOMICIDE BOOKLETS ARE CONFIDENTIAL INVESTIGATIVE RECORDS THAT ARE THE PROPERTY OF THE STATE OF MAINE AND MAINE STATE POLICE, AND MUST REMAIN WITHIN THE MCU AFTER A DETECTIVE'S RETIREMENT OR TRANSFER.**

- G. MCU. "MCU" means "Major Crime Unit."
- H. Primary detective. "Primary detective" means the lead detective assigned to an investigation who is responsible for the compilation of all reports and coordination of all activities associated with the investigation, as well as primarily responsible for assisting the AAG with the preparation of a case for trial.
  - 1. The primary detective serves as the liaison to the Office of the Attorney General with respect to the investigation and works closely with the case supervisor in coordinating all aspects of the investigation.
- I. Reasonable time. "Reasonable time" means sixty (60) days from after the date of a defendant's arraignment.
  - 1. The term "reasonable time" has been interpreted by Superior Court Justices as sixty (60) days from after the date of a defendant's arraignment.
  - 2. Consideration also is given to the fact that there are or may be ongoing investigations following arraignment, and that discovery is an ongoing process.

#### IV. PROCEDURE

##### 1. GENERAL

- A. The term "reasonable time" has been interpreted by Superior Court Justices as sixty (60) days from after the date of a defendant's arraignment.
  - 1. Consideration also is given to the fact that there are or may be ongoing investigations following arraignment, and that discovery is an ongoing process.

B. For the purposes of an ongoing investigation, the discovery deadline is sixty (60) days from after the date of the newly-completed assignment.

1. This deadline shall be abbreviated with respect to matters investigated reasonably close to a trial start date.

2. PRIMARY DETECTIVE

A. The primary detective ultimately is responsible for ensuring that all discovery materials are provided to the Office of the Attorney General in a reasonable and timely manner.

B. The primary detective shall keep her or his supervisor updated on the status of discovery on a regular basis and ensure that the supervisor is aware of any potential delays or problems with any discovery materials.

C. The primary detective also is responsible for ensuring that all reports and attachments are received from any detectives and agencies assisting with a case, entered into the case file, and forwarded to the Office of the Attorney General for discovery purposes.

1. Any delays in the receipt of discovery materials must be reported to the case supervisor as soon as possible.

3. REPORT APPROVAL

A. Upon completion of each officer's report and its entry into the Maine State Police electronic records management system ("eRMS"), the case supervisor shall be notified of the new reports pending approval.

B. If the case supervisor approves of a report, the report must be initialed and then forwarded to the Office of the Attorney General and recorded by the MCU administrative assistance in the discovery log, with a hard copy placed in the original file at the MCU office

1. *This approval is intended to diminish the possibility that discovery materials will be lost between the two agencies.*

4. REPORT WRITING AND DISCOVERY PROCESS

A. Seven (7) days after the date an investigation assignment is completed by any officer involved in a case, a written report must be created and included in the eRMS, and then the case supervisor shall be notified with a request for approval.

1. *Such approval shall be indicated by the supervisor notifying the primary detective that the report has been approved.*
  - B. A copy of the report then must be sent to the Office of the Attorney General for discovery purposes.
    1. As with any discovery item, any distribution of the report must be noted in the unit discovery log.
  - C. Approximately one (1) week after the date of distribution of any discovery materials to the Office of the Attorney General, follow-up must be made to confirm that office's receipt of the materials.
    1. Confirmation that forwarded materials have been received by that office must be noted in the discovery log.
  - D. The primary detective and case supervisor shall remain vigilant of the flow of discovery materials and any conflicts or delays related thereto.
  - E. The primary detective shall meet with the Attorney General trial assistant within six (6) months after arraignment to reconcile each file for completeness.
5. ATTACHMENTS
  - A. All attachments to reports must be submitted with a continuation report describing the material in the attachments.
  - B. Attachments must be noted in the case file and the appropriate distribution list.
6. CRIME LAB REPORTS
  - A. The primary detective shall remain in constant contact with the lab to monitor discovery.
  - B. After any crime lab report is approved, the report must be forwarded to the primary detective and AAG for enclosure in the case file and for distribution.
7. HOMICIDE BOOKLET
  - A. Each primary investigator in a homicide investigation shall create and maintain a homicide booklet that mirrors the homicide booklet being prepared by the prosecutor for trial.
  - B. The primary detective shall meet with the prosecutor at specific intervals throughout the investigation and shall review the

homicide booklet to ensure it contains all the necessary, pertinent information regarding the investigation.

1.

- C. Monthly telephone calls are recommended between the primary detective and the prosecutor to review discovery.

#### 8. TRANSFER OF CASES

- A. Whenever a transfer of a homicide case occurs between detectives, the newly-assigned detective shall, within seven (7) days after transfer of the case, submit a continuation report in the record to document the transfer of the assigned case.
- B. The new primary detective shall promptly schedule a meeting with the former primary detective in order to be briefed and updated on the facts and status of the case.
- C. The new primary detective also shall review the case in the eRMS -- as well as review the homicide booklet related to the case -- to ensure that all reports and materials are enclosed with the booklet.
- D. In addition, the new primary detective shall contact (and, preferably, meet in person with) the assigned AAG to review the case and ensure discovery is up-to-date by comparing the case-related homicide booklets.
- E. The new primary detective also shall review the unit discovery log to ensure that all discovery materials have been forwarded for discovery purposes and to confirm their receipt by the Office of the Attorney General.

#### 9. MCU DISCOVERY LOGS

- A. Each MCU shall maintain a discovery log.

#### 10. AUDIO AND VIDEO RECORDINGS

- A. Copies of all audio and video recordings must be made promptly.
- B. For those assisting primary detectives, two (2) copies of each audio or video recording must be created: one (1) for the primary detective's case file, and one (1) for the prosecutor for discovery purposes.
- C. The primary detective shall provide recordings as discovery; therefore, all recordings must be forwarded to the prosecutor through the primary detective.
- D. All original recordings must be entered and stored in File Mover, and the disc must be stored with the original case file; additionally,

the entry of the recordings must be verified and documented in the detective's continuation report.

- E. A case-specific log must be completed by the primary detective for all recordings provided for discovery purposes.
  - 1. The case-specific log must be coordinated with the unit's discovery log.

11. ORIGINAL NOTES

- A. All detectives shall maintain their original notes and place those notes with the original file until such a time that all appeals in a case are exhausted or the post-conviction review period has passed -- whichever period is longer.
- B. All notes in any homicide investigation -- open or closed -- must be submitted for inclusion in the case file at a time deemed appropriate between the detective and case supervisor, or at a time a detective transfers out of or retires from the MCU.
- C. All original notes must be stored in the unit evidence locker, and an evidence control log must be completed and submitted in the file.
  - 1. Homicide booklets should be maintained separately from other investigative notebooks, be case-specific, and be readily available for review upon request of a defendant.

**ATTACHMENT**

***Memorandum of Understanding for Homicide Case Meetings, Discovery and Report Submissions***

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

Office of the Attorney General  
Criminal Division

**MEMORANDUM OF UNDERSTANDING  
FOR HOMICIDE CASE MEETINGS,  
DISCOVERY AND REPORT SUBMISSIONS**

To: Major Brian Scott  
Major Chris Grotton  
Maine State Police – Major Crime Unit Personnel  
Maine State Police – Support Services  
Portland Police Department  
Bangor Police Department  
Medical Examiner’s Office  
State Police Crime Lab

From: Lisa Marchese, Deputy Attorney General  
Chief, Criminal Division

Date: November 15, 2017

Re: **Homicide case meetings/Discovery Policy and Report  
submissions**

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This Memo represents and incorporates the understanding between the Attorney General’s Office, Maine State Police, Portland Police Department and Bangor Police Department (all departments hereinafter referred to as MCU) as the protocol for homicide case meetings, discovery policies and report submissions effective November 15, 2017. All prior memos and discovery policies are rescinded.

1. A meeting within 7 days of the homicide (a/k/a the lab meeting or the 7 day meeting) should be scheduled. This meeting will be scheduled by the supervising sergeant after consultation with the AG’s Office, Maine State Police Crime Lab and the ME’s Office. Present (at minimum) will be the investigators, supervising sergeant, MCU commanding officer, Prosecutor, ME’s Office, Crime Lab, Criminal Intelligence unit representative

and Computer Crimes Unit, to include cellular analysis. At this meeting, the facts will be reviewed and a case plan will be developed in terms of what evidence is to be tested. The AAG will also be provided with a copy of the evidence list at this meeting. The supervising sergeant will issue a memo to the primary detective (hereinafter primary), the Computer Crimes Supervisor (including cellular analysis) and Lab Supervisor, outlining the items to be tested. It is expected that the Directors and Supervisors will distribute the memo to the appropriate sections. The Directors and Supervisors shall be responsible for ensuring that all evidence is processed and all reports are produced in an efficient and timely manner for discovery purposes and submitted to the respective MCU Sgt. overseeing the investigation for discovery purposes. It is the primary's responsibility to remain in constant contact with the lab to monitor discovery. Once a report is approved, the report must be emailed to a designated secretary at the Attorney General's office and forwarded to the primary for enclosure in the case file and for distribution. The primary should treat the crime lab report like all other attachments and must be included in the continuation report.

2. At the arraignment, the AAG will inform the court that the discovery should be complete in approximately 60 days. In general, discovery should be complete within 60 days of the arraignment however it is recognized that the Lab reports and CCU may not be able to meet those time frames. In addition to continuation reports and summaries of interviews, care must be taken to include local police department reports, audio and video recordings (all media) and a transcription of the defendant's interview. All material relating to the investigation must be included as part of the discovery packet. Also at the arraignment, the AAG assigned to the case, the primary and the Supervisor will ensure assignments are being completed and that discovery deadlines can be met. If problems or delays are discovered, the primary shall notify the Commanding Officer of the Unit as well as the assigned prosecutor.
3. A second meeting (6 month meeting) that was scheduled at the 7 day meeting will be held 6 months after the 7 day meeting. The Supervisor for the MSP Crime lab will invite sub-specialties as dictated by the facts of the case, including CCU, blood spatter experts, ERT, shooting reconstruction, etc. This meeting will serve as a time to review all the evidence tested and to confirm

that the results are all in and reports are done. If there are pending results and/or reports, another meeting should be scheduled to ensure all testing is complete.

4. A third meeting (6 months prior to the first date set for trial) should be set by the primary, in consultation with the AAG. The AAG and the primary should be sufficiently familiar with the file to address outstanding issues. The AAG will begin discussion of a trial plan including necessary witnesses and exhibits. Detectives from CCU, forensic mapping, blood spatter and other sub-specialties should have reports to the respective MCU Sgt. overseeing the investigation and to the prosecutor by this date. If no such report has been provided, the assigned detective and his/her supervisor should be at the third meeting to discuss finalization of their report. The trial assistant will be in attendance at this meeting and a date will be set for file reconciliation between the trial assistant and the primary. The reconciliation will be scheduled approximately three months prior to the first date set for trial.
5. There will be a settlement conference approximately two months prior to trial.
6. Pre-trial interviews will generally begin 6 to 8 weeks prior to the scheduled trial. These are scheduled by the primary or co-primary in consultation with the AAG. A list of potential trial witnesses will be provided by the Attorney General's office. Subpoenas will be prepared in advance of the pre-trials by the trial assistant.

This process is intended to formalize a review system to follow the cases. It is intended to supplement ongoing verbal communication between all the parties involved in order to maximize the efficiency of all involved.

cc: Attorney General's Homicide Division



## MAINE STATE POLICE GENERAL ORDER

### E-133

**SUBJECT:** MAINE STATE POLICE MOTORCYCLE UNIT

**EFFECTIVE DATE:** 01.01.2019

**RECENT HISTORY:** NEW (01.01.2019)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Motorcycle Unit.

#### II. POLICY

1. The policy of the Maine State Police is to maintain a trained and well-equipped Motorcycle Unit ("Unit").

***NOTE: Participation in a Maine State Police specialty unit is contingent upon a unit member's satisfactory performance in his/her primary duty assignment. Participation in a specialty unit is a privilege, not a right, and by accepting an assignment to a specialty unit, a member of the Maine State Police waives any and all future claim of right to any benefit conferred upon the member by virtue of his or her participation in the unit.***

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. “Colonel” means the Chief of the Maine State Police, or her or his designee.
  - B. Detail. “Detail” means an official matter to be carried out by or involve the Maine State Police Motorcycle Unit.
  - C. Maine State Police Motorcycle. “Maine State Police Motorcycle” means a motorcycle as defined at 29-A M.R.S. § 101(38) that is owned, operated, and maintained by the Maine State Police.
  - D. Special Services Lieutenant. “Special Services Lieutenant” means the Maine State Police Special Services Lieutenant, or her or his designee.
  - E. Unit Commander. “Unit Commander” means the Commander of the Maine State Police Motorcycle Unit, or, if the Unit Commander is unavailable, then either an Assistant Unit Commander or the Unit Commander’s designee.
  - F. Unit Member. “Unit Member” means a sworn Maine State Police officer who is a member of the Maine State Police Motorcycle Unit.

#### **IV. PROCEDURE**

##### **1. UNIT DUTIES**

- A. The duties of the Maine State Police Motorcycle Unit are:
  1. To provide security and traffic control during motorcade escorts;
  2. To promote a positive relationship between law enforcement and the public through traffic safety education;
  3. To help to ensure the safety of the public at special events where large crowds are expected, such as, for example, parades, funerals, festivals, celebrations, and public gatherings;
  4. To help to ensure the safety of the public at places where a traditional mode of transportation (such as a cruiser) would not be effective, such as, as examples, at areas where traffic congestions is expected (such as at motor vehicle collision scenes), or at scenes of natural disasters, where road width might have been reduced due to the disasters;

5. To assist other law enforcement and public safety agencies for the purposes described in paragraphs 1 through 4, above;
6. To promote and enhance recruitment efforts; and
7. Any other duties deemed appropriate by the Colonel.

## 2. UNIT STRUCTURE

- A. The Unit shall consist of as many Unit Members as are authorized by the Colonel.
- B. From among current Unit Members the Colonel shall select a Unit Commander, who shall lead the Unit, and who shall report directly to the Special Services Lieutenant.
- C. As the Special Services Lieutenant deems necessary, Assistant Unit Commanders shall be selected from among current Unit Members by the Unit Commander and the Special Services Lieutenant, with the approval of the Colonel.

### 1. The Unit Commander shall:

- a. Provide administrative oversight over the Unit;
  - b. Ensure that records are maintained regarding Unit operations, as well as Unit equipment inventory and maintenance;
  - c. Ensure that all Unit Members are properly trained;
  - d. Ensure training records are maintained for each Unit Member;
  - e. Ensure that all equipment used by the Unit is safely maintained and is appropriate for Unit operations;
  - f. Annually report on the Unit's training and operational activities to the Special Services Lieutenant;
  - g. Coordinate the purchase of any equipment needed by the Unit;
  - h. Issue and replace equipment used by the Unit, as deemed necessary by the Special Services Lieutenant;
  - i. Be a licensed motorcycle inspection technician, or become one as soon as practicable; and
  - j. Ensure that all Maine State Police Motorcycles meet or exceed Maine motorcycle inspection standards.
2. In the event the Unit Commander or an Assistant Unit Commander is not available to take part in a given detail, then

the Unit Commander shall designate a Unit Member as a Member-in-Charge, who shall lead and be responsible for all facets of the detail.

- a. Each detail must have a designated Member-in-Charge if the Unit Commander or an Assistant Unit Commander is not available.

### 3. UNIT MEMBERSHIP

#### A. SELECTION

1. When a vacancy in the Unit exists, the Special Services Lieutenant shall notify all sworn Maine State Police officers of the opening:
  - a. An officer interested in joining the Unit shall forward a written request through the officer's Commanding Officer to the Special Services Lieutenant.
    - (1) The officer's Commanding Officer shall forward with the written request a recommendation and a copy of the officer's performance evaluation for the most recent rating period;
  - b. To be eligible for membership on the Unit, a candidate must have a valid motorcycle endorsement on her or his motor vehicle operator's license.
  - c. A candidate shall be disqualified from consideration for membership with the Unit if he or she has contributed to the cause of three (3) or more motor vehicle collisions within a period of three (3) consecutive years.
2. Consideration in the final selection to the Unit shall be based on:
  - a. A candidate's time in service and related experience;
    - (1) A candidate must have completed one (1) year of service after graduating from the Recruit Training Troop; however, exceptions to this requirement

may be made and will be handled on a case-by-case basis for any candidate who was certified as a law enforcement officer and was or is currently certified in, or assigned to, a related law enforcement specialty;

- b. Having met or exceeded expectations on the most recent performance evaluation;
  - c. A willingness to make a minimum commitment of three (3) years to the Unit;
  - d. The recommendation of the Commanding Officer of a candidate for Unit membership;
  - e. The geographic location of the candidate's residence;
  - f. The operational needs of the Maine State Police; and
  - g. The approval of the Special Services Major.
3. Each eligible interested officer must:
- a. Successfully complete an oral board.
    - (1) Oral board members shall include, at a minimum, the Special Services Lieutenant, the Unit Commander, and at least one (1) Assistant Unit Commander;
  - b. Successfully complete a motorcycle-operation skills assessment test.
4. An officer selected to join the Unit shall be a probationary member of the Unit for one (1) year.
- a. At the end of the period, the Unit Commander shall make a recommendation to the Special Services Lieutenant as to whether the officer should become a permanent member of the Unit.
  - b. The Special Services Lieutenant, under the direction of the Special Services Major, shall determine whether the officer will become a permanent member of the Unit based on the Unit Commander's recommendation and any other information the Special Services Lieutenant thinks relevant to the determination.

5. UNIT EQUIPMENT

- A. Equipment, as determined by the Unit Commander following consultation with the Special Services Lieutenant, may be issued to each Unit Member, and may be kept in the members' custody.
- B. Each Unit Member must be cross-trained with all Unit equipment.
- C. All Unit equipment must be maintained in excellent working order and kept clean.
- D. Problems with issued equipment must be promptly reported to the Unit Commander or an Assistant Unit Commander.
- E. Maine State Police Motorcycles shall be stored inside and in a secure location.
- F. A Maine State Police Motorcycle that is found to be unsafe or defective must be immediately removed from service until the appropriate repairs are made.
- G. The responsibility to inspect the Maine State Police Motorcycle assigned to a Unit Member is that of that member, and he or she shall inspect the motorcycle for defects or malfunctioning equipment prior to each use.
  - 1. Any damage or defect to a Maine State Police Motorcycle is to be immediately reported to the Unit Commander by the Unit Member to whom the motorcycle is assigned.
- H. Maine State Police Motorcycles only are to be used for official business of the Maine State Police and in accordance with the purposes set forth in this policy.
  - 1. ***A Maine State Police Motorcycle shall not be used by anyone for personal, non-official purposes.***
- I. Only Unit Members shall operate Maine State Police Motorcycles.
  - 1. ***A Maine State Police Motorcycle shall not be operated with a passenger on it.***

6. UNIT TRAINING

- A. *Training Generally*

1. The Unit Commander shall determine the scope and subject matter of Unit training.
2. The Unit Commander shall maintain a training file for each Unit Member.
3. Each year the Special Services Lieutenant, after consulting with the Unit Commander and the Operations Major, shall determine and set the total number of annual training hours the Unit is required to complete, and shall communicate that information to Unit Members, Maine State Police Commanding Officers, and the Maine State Police Command Staff.

*B. Training Attendance*

1. Each Unit Member shall attend, participate in, and satisfactorily meet the goals and learning objectives of all required Unit training.
2. For good cause, the Unit Commander may excuse a Unit Member from a Unit training session.

*C. Non-Maine State Police Training Records*

1. Each Unit Member shall ensure that a copy of attendance records from an outside training program (e.g., a NESPAC training program) are forwarded to the Maine State Police Training office.

7. INJURIES TO UNIT MEMBERS

- A. With respect to injuries to or medical work restrictions placed on a Unit Member, the Unit and Unit Members shall act in accordance with Maine State Police General Order E-108.

8. UNIT SAFETY

- A. Safety is the responsibility of all Unit Members.
- B. Any Unit Member who does not think her- or himself able to participate in or to complete a detail shall promptly notify, as applicable, the Unit Commander, an Assistant Unit Commander, or the Member-in-Charge.

- C. A Unit Member who becomes aware of an unsafe or potentially unsafe situation during a detail shall immediately notify, as applicable, the Unit Commander, an Assistant Unit Commander, or Trooper-in-Charge.
- D. Repeated unsafe acts by a Unit Member shall constitute cause for removal of that member from the Unit.
- E. A Unit Member who encounters a situation while operating a Maine State Police Motorcycle that requires a response shall take the appropriate action in accordance with her or his training and experience, if such action can be done safely and in accordance with this policy.
- F. *Maine State Police Motorcycles shall not be used as a primary pursuit vehicle.***
- G. *Maine State Police Motorcycles shall not be used during inclement weather.***
  - 1. The final determination of whether motorcycles are to be used during potentially or predicted inclement weather shall be made by the Unit Commander.
- H. A Unit Member whose Maine State Police Motorcycle is damaged in any way shall immediately report that damage the Unit Commander
  - 1. A Unit Member shall follow Maine State Police General Order E-104 when that member's motorcycle is involved in a motor vehicle collision.

9. UNIT ACTIVATION

- A. A Commissioned Officer of the Maine State Police may request activation of the Unit by contacting the Unit Commander.
- B. Any Unit Member who receives a request for the Unit's activation shall promptly notify the Unit Commander.
- C. Upon the receipt of a request for activation:
  - 1. The Unit Commander shall gather as much information as possible from the Commissioned Officer requesting the activation of the Unit, and then make the determination as to whether to activate the Unit to respond to the request.

2. The Special Services Lieutenant shall be notified – preferably, in writing – of all requests for activation of the Unit.
3. The final decision of whether the Unit will respond to the request for activation is that of the Special Services Lieutenant.

10. DETAIL PROCEDURES

- A. The Unit Commander shall determine and assign the appropriate number of Unit Members to effectively and safely accomplish the objective of a detail.
- B. When selecting Unit Members for a detail, the Unit Commander shall consider individual motorcycle-operation skills, training, experience, ability, and geographic location.
- C. Any injury to a Unit Member must be reported immediately to the Unit Commander.
  1. The Unit Commander shall ensure that an employee’s “First Report of Injury Form” and a supervisor’s “First Report of Injury Form” are each completed immediately and forwarded to the Special Services Lieutenant.

11. UNIT DEACTIVATION

- A. Following the conclusion of a detail, the Unit Commander shall assemble and meet with the Unit Members who participated in the detail, for debriefing purposes.

12. REPORTS AND DOCUMENTATION

- A. The Special Services Lieutenant may require any such reports or documentation to be created or utilized by the Unit that, in the Special Services Lieutenant's judgment, are necessary to ensure the effective and responsible operation of the Unit.
- B. Such reports and documentation may include, but are not limited to:
  1. Standardized documents that may be used in determining whether Unit activation should occur in response to a request for Unit activation;

2. Standardized documents that may be used to obtain information when a request Unit activation is made; and
3. Reports memorializing the operations of the Unit.

**NOTICE**

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## MAINE STATE POLICE GENERAL ORDER

### E-134

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING USE OF NARCAN

**EFFECTIVE DATE:** 02.25.2020

**RECENT HISTORY:** AMENDED (02.25.2020); TECHNICAL AMENDMENT (UPDATED ATTACHMENT)(06.05.2017); AMENDED (04.20.2017); TECHNICAL CORRECTION (WORD CORRECTION)(02.07.2017); 12.07.2016 (NEW)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

#### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the use of Narcan by trained Maine State Police sworn personnel, with the principal objective being the treatment and reduction of injuries and fatalities relating to opioid-involved overdoses.

#### II. POLICY

1. The policy of the Maine State Police is:
  - A. To provide assistance to any person who may be suffering from an opioid overdose;
  - B. When safe to do so, for Maine State Police sworn personnel to make every reasonable effort to revive victims of apparent drug overdoses, including by administering Narcan in accordance with prior training and this policy.

#### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Drug intoxication. "Drug intoxication" means impaired mental or physical functioning resulting from the use of physiological and/or psychoactive substances.
    1. Persons suffering drug intoxication might display symptoms such as (as examples only) euphoria, dysphoria, apathy, sedation, attention impairment, or any other visible indicators of impairment.
  - B. Emergency medical services ("EMS"). "Emergency medical services" ("EMS") means services rendered in emergency circumstances by a licensed Emergency Medical Technician ("EMT") or certified EMS first responder to a person to prevent the loss of the person's life or to treat any injury or illness the person is suffering.
  - C. Narcan. "Narcan" is the brand name of Naloxone, which is an opioid receptor antagonist and antidote for opioid overdose, that is produced in intramuscular, intranasal, or intravenous forms.
  - D. Narcan kit. "Narcan kit" means the delivery system approved and used by the Maine State Police to administer Narcan.
  - E. Opioids. "Opioids" means such drugs as (as examples only) heroin, carfentanil, fentanyl, morphine, buprenorphine, codeine, hydromorphone, hydrocodone, oxycodone, methadone, and oxycodone.
  - F. Opioid overdose. "Opioid overdose" means an acute condition -- exemplified by such symptoms as extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death -- resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, that a reasonable person would believe to be an opioid-related drug reaction that requires medical assistance.
  - G. Universal precautions. "Universal precautions" means an approach to infection control that presumes all human blood and human body fluids to be infectious for HIV, HBV, and other such blood borne pathogens.

#### IV. PROCEDURE

##### 1. TRAINING

- A. Prior to being able to use Narcan in accordance with this General Order, a Maine State Police sworn officer shall participate in approved training on the topic of responding to persons suffering from an apparent opioid overdose, and on the use of Narcan.

1. Such training must be in accordance with the protocols adopted by the Medical Direction and Practices Board, as defined at [32 M.R.S. sec. 83, sub-sec. 16-B](#).
2. Such training must occur every two years at the Troop-/Unit-level.
  - a. The Commanding Officers of each respective Troop and Unit shall ensure that all sworn members under their Command are duly trained, as required by this Order.

## 2. ISSUANCE OF NARCAN

- A. Sworn personnel who have been trained in accordance with this policy and to whom Narcan is issued must maintain the Narcan kit and a one-way CPR face mask/barrier device within their assigned cruisers at all times while on duty.
  1. At a minimum, Commanders shall assign a Narcan kit to each sworn member under their command who are assigned a uniformed patrol assignment.
    - a. If additional Narcan kits are available, a Commander may assign such to sworn members under his or her command who are not primarily assigned a uniformed patrol assignment.
- B. Narcan must be provided to sworn personnel in a clearly marked kit.
- C. Each Narcan kit must include instructions for administering Narcan.
- D. Members carrying one or more Narcan kits shall have a one-way CPR face mask/barrier device available for mouth-to-mouth resuscitation.

## 3. USE OF NARCAN

- A. When a sworn member who has been trained in accordance with this policy encounters a person who appears to be suffering an opioid overdose:
  1. The sworn member shall maintain universal precautions throughout the encounter;
  2. If the Regional Communications Center ("RCC") is not already aware of the apparent overdose, as soon as practicable the sworn member shall contact the proper RCC via police radio or telephone, report the possible opioid overdose, and request EMS response;

3. The sworn member shall check the responsiveness and the vital signs (such as breathing and pulse) of the overdosing person.
  - a. This will include, for example, determining whether the person is awake and talking, is responsive to verbal stimulation only, is responsive to painful stimulation only, or is completely unresponsive;
4. The sworn member shall check the overdosing person for medic alert tags indicating pre-existing medical conditions.
  - a. Such a tag often is located around a person's neck, wrist, or ankle;
5. Prior to administering Narcan, the sworn member should ensure that the overdosing person is in a safe location and remove any sharp or heavy objects from the person's immediate reach.
  - a. This is because sudden onset of immediate opioid withdrawal may result in physical symptoms such as agitation, rapid heart rate, nausea, seizures, and difficulty breathing;
6. Prior to administering Narcan, the sworn member may handcuff the overdosing person if, in the judgment of the sworn member, doing so is necessary to protect the safety of the sworn member, the overdosing person, and/or other persons present.
7. The sworn member shall administer Narcan in accordance with the member's training, using a Narcan kit the member has been trained to use.
8. If the overdosing person is not breathing, or the person's respirations are not sufficient to provide the person with adequate oxygen, AND it is reasonably safe to do so, the sworn member may start rescue breaths using a one-way CPR face mask/barrier protection device.
  - a. The member shall continue to do so until either the person is independently breathing sufficiently or EMS arrives and takes over treatment, or it becomes unsafe for the member to continue to administer such breaths;
9. If, after two (2) of administering Narcan, there is no improvement (that is, the overdosing person is not breathing),

the sworn member shall administer one (1) additional dose of Narcan, if available.

- a. The member may continue administering rescue breaths using a one-way CPR face mask/barrier protection device until either the person is independently breathing sufficiently or EMS arrives and takes over treatment, or it becomes unsafe for the member to continue to administer such breaths;
10. To the extent practicable, the sworn member shall keep the RCC appraised of the condition of the overdosing person throughout the overdose incident;
  11. Once she or he is able to safely do so, the sworn member shall seize all illegal and/or non-prescribed narcotics found on and around the overdosing person, and process such narcotics in accordance with Maine State Police policy;
  12. Once she or he is able to safely do so, the sworn member shall turn the used Narcan kit over to the EMS or hospital personnel for proper disposal immediately following administration, as the device used to administer the Narcan, once used, is considered bio-hazardous material.

#### 4. REPORTING

A. After administering Narcan, a sworn member shall:

1. Request a separate closure code that will be coded as "Narcan" for documentation purposes, and will require a description of:
  - a. The overdosing person's condition and behavior;
  - b. The fact that Narcan was deployed on the overdosing person;
  - c. The EMS personnel involved in the incident, and their response;
  - d. The hospital to which the overdosing person was transported;
  - e. Any narcotics seized;
  - f. The final outcome of the medical response (if known); and
  - g. If criminal charges result from the overdose incident, an arrest report must be included with the offense report;
2. Complete and attach to the incident report a "[Narcan Administration Report](#)" (see attached); and

3. Submit the offense report through the proper Chain-of-Command.

## 5. INSPECTION, STORAGE, AND REPLACEMENT OF NARCAN KITS

- A. Inspection of Narcan kits shall be the responsibility of each sworn officer to whom kits are issued.
- B. At the start of each shift, each officer shall conduct an inspection of each Narcan kit issued to him or her. This inspection must include:
  1. Checking the expiration date found on either the Narcan kit box or vial; and
  2. Checking the condition of the Narcan kit.
- C. Narcan must be stored in accordance with the manufacturer's instructions. **NOTE: Narcan can freeze and/or experience reduced effectiveness if continually exposed to cold weather; therefore, officers should take reasonable steps to ensure that Narcan is usable (and not frozen) prior to administering it.**
- D. A missing, damaged, or expired Narcan kit must be promptly reported by the officer to whom the kit was issued, through the Chain-of-Command, to the Commanding Officer of the officer's Troop or Unit.
  1. Requests for a replacement kit should be made by an officer through the Chain-of-Command, to the Commanding Officer of the officer's Troop or Unit.
- E. The Commanding Officer who oversees Supply shall coordinate the procurement and replacement of Narcan kits.

## 6. USE OF NARCAN ON MAINE STATE POLICE CANINES

- A. In accordance with training provided by the Principle Canine Trainer of the Maine State Police, a sworn member may administer Narcan to a Maine State Police canine that is exhibiting symptoms of overdose after a known or possible exposure to opioids.

## 7. REFERENCE

1. [22 M.R.S. sec. 2353, sub-sec. 3 and 5](#) provide as follows:

....

**3. Authorized administration of naloxone hydrochloride [i.e., Narcan] by law enforcement officers and municipal**

**firefighters.** A law enforcement officer as defined in Title 17-A , section 2, subsection 17, in accordance with the policies adopted by the law enforcement agency, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with the polices adopted by the municipality, may administer intranasal naloxone hydrochloride as clinically indicated if the officer or firefighter has received medical training in the accordance with the protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The medical Direction and the Practices Board shall establish medical training protocols for Law enforcement offices and municipal firefighters pursuant to the subsection.

....

**5. Immunity.** The following provisions provide immunity for actions taken in accordance with this section.

A. A health care professional or a pharmacist, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for storing, dispensing or prescribing naloxone hydrochloride in accordance with this section or for any outcome resulting from such actions.

B. A person, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for possessing or providing to another person naloxone hydrochloride in accordance with this section or for administering naloxone hydrochloride in accordance with this section to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

## **ATTACHMENT(S)**

### **Narcan Administration Report**

#### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**

## NALOXONE ADMINISTRATION REPORT

Case Number: [Click here to enter text.](#)

Date of Overdose: [Click here to enter a date.](#)

Arrival time of Employee: [Click here to enter text.](#)

Arrival time of EMS: [Click here to enter text.](#)

Gender: [Choose an item.](#)      Age: [Click here to enter text.](#)      Race: [Click here to enter text.](#)

First Name: [Click here to enter text.](#)      Last Name: [Click here to enter text.](#)

Address: [Click here to enter text.](#)

Where did the overdose occur? [Choose an item.](#)

Overdosed on what suspected drug? [Click here to enter text.](#)

How did you know that an overdose was happening? [Click here to enter text.](#)

### Administration of Naloxone

Was Naloxone Administered?  YES       NO

Number of Vials Used: [Choose an item.](#) Total Mgs Administered: [Click here to enter text.](#)

Bar Code number of Naloxone used: [Click here to enter text.](#)

Did Naloxone work?  YES     NO

Was Naloxone administered by anyone else at the scene?  YES     NO

If YES, by whom? [Choose an item.](#)      Other: [Click here to enter text.](#)

### Response to Naloxone

Did the person experience any of the following?

None       Seizure

Vomiting       Respiratory distress

Other: [Click here to enter text.](#)

- Did they experience any symptoms of withdrawal? None Mild Severe

-Did they display any aggression because of the symptoms? YES NO

Approximately how long did it take for the Naloxone to work? [Click here to enter text.](#)

Did the person live?  YES  NO

Hospital destination: [Click here to enter text.](#)

Ambulance name/ Unit number: [Click here to enter text.](#)

Were paraphernalia and or evidence present to support overdose?  YES  NO

Were there witnesses to the overdose?  YES  NO (*If yes, obtain information to the overdose and ID data*).

Additional Notes: [Click here to enter text.](#)

### Administering Employee Information

Troop: [Click here to enter text.](#)

Name: [Click here to enter text.](#)



# MAINE STATE POLICE GENERAL ORDER

## E-135

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING USE OF UNMANNED AERIAL VEHICLES ("UAVS")

**EFFECTIVE DATE:** 06.30.2019

**RECENT HISTORY:** AMENDED (06.30.2019); NEW (08.16.2017)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the use of Unmanned Aerial Vehicles ("UAVs") by the agency.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To utilize UAVs for the limited purposes of criminal investigation, scene documentation, and other public safety applications;
  - B. To permit the deployment of UAVs for emergency use, when approved by the Governor or the Colonel of the Maine State Police, or his or her designee;
  - C. To deploy UAVs for training, testing, and product-evaluation purposes.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. FAA. “FAA” means the Federal Aviation Administration.
  - B. Remote Pilot. “Remote Pilot” means a member of the Maine State Police certified to operate a UAV.
    1. Prior to operating a UAV, a Remote Pilot must hold a current FAA certificate that evidences that the pilot meets the minimum standards required for the operation of a UAV.
  - C. Small Unmanned Aircraft System (“sUAS”). Small Unmanned Aircraft System (“Small ‘UAS’”) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the vehicle in the national airspace system.
  - D. Unmanned Aerial Vehicle (“UAV”). “Unmanned Aerial Vehicle (“UAV”)” means a remotely-controlled/-guided aircraft operated without a physical human presence within or on the aircraft and which, in the manner in which it is used or the manner in which it is equipped, is capable of performing audio, visual, or other types of comprehensible surveillance.
    1. An sUAS is a type of UAV.

#### IV. PROCEDURE

1. USE OF UAVs BY REMOTE PILOTS
  - A. A Maine State Police Remote Pilot may use a UAV for criminal investigations and public safety purposes (such as, e.g., crash investigations), provided that the requirements below are followed:
    1. Prior to the deployment of a UAV, a Remote Pilot must be adequately trained in its use and operation, and must be knowledgeable of the standards set forth in this policy.
    2. The Remote Pilot must hold a current FAA certificate that evidences that the pilot meets the minimum standards required for the operation of a UAV.
    3. Any operation of a UAV must fully comply with all FAA requirements and guidelines, including the acquisition of a Certificate of Authorization or Waiver from the FAA, as well as with any other applicable law, including, but not limited to, [25 M.R.S. sec. 4501, Regulation of unmanned aerial vehicles.](#)

- B. Prior to deploying a UAV for criminal investigation purposes, and unless permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution, a Remote Pilot shall consult with and seek guidance from the authority having prosecutorial jurisdiction over the investigation, as a search warrant may be required.
    - 1. This does not apply to UAV deployments for:
      - a. Purposes other than the investigation of crime, including, but not limited to, aerial photography for the assessment and documentation of crashes and other scenes, forest fires and other fire scenes, flood stages, and storm damage;
      - b. Search and rescue operations, when the Maine State Police determines that use of a UAV is necessary to alleviate an immediate danger to any person or for training exercises related to such uses.
  - C. A Remote Pilot that deploys a UAV shall document each such deployment on appropriate agency report forms.
    - 1. When UAV deployment is for the purposes of photographing or recording a crash scene, the UAV deployment report must be submitted to the Senior Crash Reconstruction Specialist within thirty (30) days after the deployment.
    - 2. A UAV control number must be requested through the Traffic Safety Unit immediately after deployment of the UAV.
  - D. A Remote Pilot that deploys a UAV must have the capability to adequately track and record the flight pattern and location of the UAV at all times.
  - E. A Remote Pilot may not deploy more than one UAV at any one time, in any one area, or at any one event without first coordinating and defining the parameters of the area where each deployed UAV will be operated.
- 2. UNAUTHORIZED USE OF UAVs
    - A. A Maine State Police officer or civilian that intentionally uses the UAV without proper authorization and/or in deviation of the standards set forth in this policy shall be subject to disciplinary action, up to and including termination.
- 3. RESTRICTIONS THE USE OF UAVs

- A. Only UAVs authorized by the Colonel of the Maine State Police, or his or her designee, may be deployed by qualified agency personnel (as set forth in this policy) for Maine State Police operations.
- B. Only Remote Pilots authorized by the Colonel of the Maine State Police, or his or her designee, may deploy a UAV for Maine State Police operations.
- C. Prior to their deployment, all Maine State Police UAVs must be registered with the Traffic Division Lieutenant.
- D. Written approval by the Colonel of the Maine State Police, or his or her designee, must be obtained prior to the procurement of a UAV equipped or to be equipped with any of the following items:
  - 1. Night-vision technology;
  - 2. High-powered zoom lenses;
  - 3. Video analytics;
  - 4. High-powered acoustical listening devices;
  - 5. Thermal imaging technology;
  - 6. Facial-recognition technology;
  - 7. Any sense-enhancement technology such as those specified in paragraphs 1 through 6.
- E. **Under NO circumstances shall a UAV ever be equipped with weapons of any kind.**
- F. UAVs must be operated by a Remote Pilot at an altitude, a speed, and with a planned flight pattern that will minimize the potential privacy intrusion of third parties who are not under investigation.
  - 1. To minimize the potential privacy intrusion of third parties who are not under investigations, any recording, photography, and/or sense-enhancement technology such as that described in subsection D, above, must be deactivated/off when in reasonable proximity to such parties and their property.
  - 2. A UAV shall **not** be deployed to conduct surveillance on private citizens peacefully exercising their First Amendment constitutional rights of free speech and assembly.

#### 4. AUDIO AND VIDEO RECORDINGS AND REMOTE PILOT RECORDS

- A. An inadvertent audio or video recording, photograph, or other such documentation of or relating to a private third party that results from the use of a UAV shall not be duplicated or disseminated by the Maine State Police, and must be permanently and irretrievably erased or destroyed within a reasonable amount of time after its creation pursuant to the applicable record retention schedule.

B. Prior to their duplication and further dissemination, any audio or video recordings, photographs, or any other such documentation resulting from the deployment of a UAV must be reviewed to determine whether such further dissemination may occur.

1. **Such review must specifically include** an assessment of whether the documentation includes or itself constitutes “intelligence and investigative record information” under applicable Maine law (see [16 M.R.S. c. 9](#)), and, if so, whether, if at all, the documentation may be further disseminated pursuant to that law, as well as [General Order M-8, Maine State Police Policy Regarding Public Access to Maine State Police Records](#).

5. UAV-RELATED RESPONSIBILITIES OF THE TRAFFIC SAFETY LIEUTENANT

A. The Traffic Safety Lieutenant -- who may, but does not need to be, a Remote Pilot -- shall:

1. Maintain a list of Maine State Police Remote Pilots;
2. Maintain a list of make/model of each Maine State Police UAV;
3. Be the representative of the Maine State Police for any waiver and/or airspace authorization obtained through the FAA; and
4. Have ongoing knowledge of the operations of the sUAS under the any waiver/airspace authorization.

6. AVOIDING HAZARDS

A. A UAV deployed in an area in close proximity to persons, objects, or to private property must be equipped with the capability to safely stabilize the flight in the event that the operator cannot control or observe the UAV.

B. A Remote Pilot deploying a UAV at an altitude that might reasonably be expected to cause the UAV to encounter, and possibly harm persons or objects, must keep the UAV subject to observation at all times, in order to minimize the risk of such encounters.

C. Prior to deploying the UAV, the remote pilot must perform a Pre-flight inspection in accordance with the UAV manufacturer’s recommendations and FAA guidelines.

1. This must include ensuring that no part of the UAV is loose or missing and batteries are charged and in working condition.

- a. Any safety-related issues must be reported immediately to the Senior Crash Reconstruction Specialist.

7. REPORTS OF INJURY OR PROPERTY LOSS RESULTING FROM UAV USE

- A. Any operation of a UAV that results in serious injury, loss of consciousness, or property damage (to property other than the agency) of at least five hundred dollars (\$500) must be reported within ten (10) days to the FAA.
- B. Any operation that results in any injury or property damage (other than to the UAV) must be reported immediately to the Patrol supervisor or section OD in accordance to General Order E-57, Investigating and Reporting Maine State Police Motor Vehicle Crashes.
- C. Any operation that results in damage to the UAV must be reported as soon as practical to the Senior Crash Reconstruction Specialist.

8. UAV END-OF-LIFE

- A. A UAV that has had the airspace restrictions unlocked must be destroyed when it has reached its end-of-life or is otherwise no longer being used.
  1. Neither the hardware nor software that would enable another UAV to bypass airspace restrictions shall be transferred from a UAV that is to be destroyed.

**NOTICE**

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## MAINE STATE POLICE GENERAL ORDER

**E-137**

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING REPORT-WRITING DEADLINES AND STORAGE OF ORIGINAL INVESTIGATION-RELATED RECORDS

**EFFECTIVE DATE:** 11.15.2019

**RECENT HISTORY:** NEW (11.15.2019)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding report-writing deadlines and storage of original investigation-related records.

### II. POLICY

1. The policy of the Maine State Police is as follows:
  - A. **Except as otherwise required by law or by any other General Order**, the policy of the Maine State Police is:
    1. To require that any type of report (including, but not limited to, an initial incident or investigative report, a supplemental report, and a summary of interview) that a sworn officer must compose as part of her or his official duties be submitted by the officer to her or his supervisor within thirty (30) total calendar days after any action is taken by that officer that requires the composition of any such report;

(a) Notwithstanding paragraph 1 above, an officer may ask her or his supervisor for an extension of time to complete a report if circumstances beyond the control of the officer make the officer's ability to complete the report within the thirty (30) calendar day timeframe impossible.

(1) If a supervisor grants a request for such an extension of time, the supervisor shall inform the officer of the new timeframe within which the subject report must be submitted, and the report must be submitted by the officer within that timeframe.

(2) An extension of time to complete a report must be reasonable and take into account the circumstances that have caused the officer to ask for the extension.

2. For supervisors to review and either approve or request further work on the reports they receive from the officers they supervise as soon as practicable.

B. Further, through this policy, the Maine State Police expressly states

1. That original investigation-related records of the Maine State Police are the exclusive property of the State of Maine and the Maine State Police;
2. That original investigation-related records must be stored in Maine State Police facilities or computer systems, and not stored at the personal residences or in the personal computer systems of Maine State Police employees; and
3. **That, to the extent any Maine State Police employees have original investigation-related records stored at their personal residences or in their personal computer systems, or otherwise not stored at Maine State Police facilities or in Maine State Police computer systems, all such records must promptly be returned to the Maine State Police so they can be appropriately stored in Maine State Police facilities or computer systems.**

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

A. Original. "Original" means initially-created, not copied.

1. A copy made by the Maine State Police of any third-party-owned record that itself cannot be taken into the possession of the Maine State Police constitutes an original for the purposes of this policy.

- B. Record. "Record" means any material – regardless of medium or format – that memorializes information, including, but not limited to, any document (including, but not limited to, handwritten or typed notes), photograph, audio recording, or video recording.

#### **IV. PROCEDURE**

1. The failure of a Maine State Police employee to comply with any provision of this policy is cause for disciplinary action, up to and including termination of employment.

#### **NOTICE**

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## MAINE STATE POLICE GENERAL ORDER

**E-138**

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE STORAGE OF INVESTIGATION-RELATED DIGITAL AUDIO FILES AND DIGITAL IMAGE FILES

**EFFECTIVE DATE:** 09.03.2019

**RECENT HISTORY:** NEW (09.03.2019)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the storage of investigation-related digital audio files and digital image files.

### II. POLICY

1. The policy of the Maine State Police is to store investigation-related digital audio files and digital image files in Spillman in accordance with applicable law and Maine State Police policy.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Audio file. "Audio file" means a digital audio file.
  - B. Compact Disc Recordable (CD-R). "Compact Disc Recordable" means a compact disc that only may be electronically written on once.
  - C. Copy digital audio file. "Copy digital audio file" (or "copy audio file") means an exact digital replication of an original digital audio file.
  - D. Copy digital image file. "Copy digital image file" (or "copy image file") means an exact replication of an original digital image file.

- E. Digital audio file. "Digital audio file" (or "audio file") means a recording of sound that is stored electronically in numerical form.
- F. Digital audio recorder. "Digital audio recorder" means a device designed to create a digital audio file.
- G. Digital camera. "Digital camera" means a device designed to create a digital image file.
- H. Digital image file. "Digital image file" (or "image file") means a visual depiction of a person, place, or thing that is stored in numerical form.
- I. Image file. "Image file" means a digital image file.
- J. Original digital audio file. "Original digital audio file" means an exact digital replication of a primary digital audio file.
- K. Original digital image file. "Original digital image file" means an exact digital replication of a primary digital image file.
- L. Primary digital audio file. "Primary digital audio file" means an initially-constituted digital audio file created on a digital audio recorder.
- M. Primary digital image file. "Primary digital image file" means an initially-constituted digital image file created on a digital camera.
- N. Spillman. "Spillman" means the electronic records management system used by the Maine State Police, or any such future equivalent system.

#### IV. PROCEDURE

##### 1. GENERAL MATTERS

- A. An officer shall not use Spillman until he or she is trained to do so.
- B. Each sworn Maine State Police officer shall be issued a digital audio recorder.
  - 1. Personally-owned digital audio recorders and digital cameras must **not** be used to conduct Maine State Police business.
    - a. The use of personally-owned digital audio recorders and digital cameras to conduct Maine State Police business could result in those devices later needing to be forensically examined for purposes of discovery or public records requests.
- C. Investigation-related primary audio files must not be deleted from a digital audio recorder before being entered into Spillman in accordance with this policy.
  - 1. Otherwise, a recorder's sequential numbering may be disrupted and, consequently, questions later might be raised (including during Court proceedings) about the content of any deleted files.
- D. Investigation-related primary image files must not be deleted from a digital camera before being entered into Spillman in accordance with this policy.
- E. An officer who uses a digital audio recorder or digital camera is responsible being able to authenticate the audio files and image files respectively created by such devices.

- F. Audio files and image files must not be embedded within reports that are entered into Spillman.
- G. The capture format of primary audio files and primary image files must not be intentionally changed prior to entering such files into Spillman.
  - 1. For example, if a primary digital audio file is a \*.dvi file, an officer **shall not** intentionally convert the file to a \*.wav file prior to entering the file into Spillman.
- H. Changes to an image file that are made for illustrative purposes (such as, as examples only, adding arrows, captions, or changing contrast to such a file) may be made to a copy image file through the use of imaging software, **but only after** the primary digital image file has been successfully entered into Spillman as an original image file, and as long as the changes do not alter the scene depicted in the image.
  - 1. An officer who makes such changes to a copy image file shall document that the changes were made.
- I. To facilitate the largest amount of data storage with an acceptable level of clarity, all primary audio files should be made with the digital audio recorder set on the "SP" recording mode (or if there is no "SP" recording mode, then in a similar mode).

## 2. APPLICATION OF POLICY TO NONSWORN PERSONNEL

- A. This policy applies to nonsworn personnel who, in the normal course of their duties, at times interview individuals and/or take photos of scenes of investigations.
  - 1. Such personnel include, as examples only, Motor Vehicle Inspectors and Motor Carrier Inspectors.

## 3. STORAGE OF DIGITAL AUDIO FILES AND DIGITAL IMAGE FILES

- A. All investigation-related primary audio files and primary image files must be entered into Spillman to be stored as original audio files and original image files, respectively.
- B. Investigation-related primary audio files stored on a digital audio recorder must not be deleted from the recorder until they have been entered into Spillman as original audio files.
- C. Investigation-related image files stored on a digital camera must not be deleted from the camera until they have been entered into Spillman as original image files.

## 4. DISSEMINATION OF AUDIO FILES AND IMAGE FILES

- A. Maine State Police personnel who need a copy audio file or a copy image file from Spillman may be provided with such electronically or on a CD-R.

1. Image files may be printed as photographs in special circumstances, if warranted.
  - B. Only after a primary digital audio file has been successfully entered into Spillman as an original digital audio file may a copy audio file of such be made available for transcription.
  - C. Copies of audio files and image files may not be disseminated to any person unless permitted by applicable law and in accordance with Maine State Police General Order M-8, MAINE STATE POLICE POLICY REGARDING PUBLIC ACCESS TO MAINE STATE POLICE RECORDS.
5. ASSIGNMENT AND MAINTENANCE OF DIGITAL AUDIO RECORDERS AND DIGITAL CAMERAS
  - A. The Troop or Unit Commander, or her or his designee, is responsible for all digital audio recorders issued to Troop or Unit officers, including, but not limited to, the repair and maintenance of such devices.
  - B. To the extent any officers within a Troop or Unit are assigned digital cameras, the Troop or Unit Commander, or her or his designee, is responsible for the digital cameras, including, but not limited to, the repair and maintenance of such devices.
  - C. The Troop or Unit Commander, or her or his designee, shall keep a record of the devices that have been issued and assigned, including, but not limited to, their serial numbers.
    1. Damaged devices that cannot be repaired either must be removed from the record or a notation must be made in the record that the devices have been disposed of.
  - D. If an officer transfers to another Troop or Unit, all Maine State Police-issued digital audio recorders and digital cameras in the officer's custody must be promptly returned to the Troop or Unit Commander whose Troop or Unit issued or assigned the devices.
  - E. If an officer resigns or retires from the Maine State Police, all Maine State Police-issued digital audio recorders and digital cameras in the officer's custody must be promptly returned to that officer's Troop or Unit Commander whose Troop or Unit issued or assigned the devices.
6. OFFICER RESPONSIBILITIES
  - A. Each officer who is issued a digital audio recorder and, when applicable, assigned a digital camera, shall ensure that the devices are in proper working order.
    1. As soon as an officer discovers that a device is not working properly, the officer shall promptly notify her or his supervisor that the device needs to be repaired or replaced.
    2. The supervisor then shall give direction to the officer to ensure that the device is repaired or replaced as expeditiously as practicable.
7. OWNERSHIP OF AUDIO FILES AND IMAGE FILES

- A. Audio files and image files created by Maine State Police personnel in the course of official agency business are the property of the Maine State Police and may ***neither*** be retained by Maine State Police personnel for personal use ***nor*** disseminated to any person not authorized to receive such, unless permitted by law and Maine State Police policy.

**NOTICE**

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## MAINE STATE POLICE GENERAL ORDER

**E-139**

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE USE OF PERSONAL SOCIAL MEDIA PLATFORMS AND THE INTERNET BY MAINE STATE POLICE EMPLOYEES

**EFFECTIVE DATE:** 09.03.2019

**RECENT HISTORY:** NEW (09.03.2019)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police regarding the use of personal social media platforms and the Internet by Maine State Police employees.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To ensure through this policy that agency employees know that, if they opt to maintain one or more personal social media platforms, the information they post – and the posts they make, endorse, or criticize – on such platforms could be used by persons having direct or indirect access to the information and posts:
    1. To call into question the credibility and impartiality of employees; and
    2. To threaten the personal safety of employees, as well as to their friends and family members; and
  - B. To establish the expectations of the agency regarding employees' personal use of the Internet.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - B. Comment. "Comment" means a response to, as examples only, a blog post, a news article, or a social media platform post.
  - C. *Giglio* information. "*Giglio* information" means credible information that, if true, would tend to adversely reflect upon the credibility of a witness for the State, including, but not limited to, a past or current sworn or civilian employee of a law enforcement agency.
    1. Such information includes, but is not limited to, any sustained finding that establishes a record of untruthfulness or bias on the part of a witness, as well as any conviction that adversely reflects upon the credibility of a witness.
    2. "*Giglio* information" does not include unsubstantiated allegations, rumors, or other inconclusive information regarding the possible untrustworthiness or bias of a witness.
  - B. Maine State Police employee. "Maine State Police employee" means a sworn or civilian employee of the Maine State Police.
  - C. Prosecutorial authority. "Prosecutorial authority" means a district attorney's office, a State Department of the Attorney General, a United States Attorney's Office, or the United States Department of Justice.
  - D. Personal social media platform. "Personal social media platform" means a social media platform owned, created, and/or used by a Maine State Police employee.
  - E. Post. "Post" means:
    1. When used as a noun, content – including, but not limited to, comments – that an individual shares on a social media platform or similar Internet site.
    2. When used as a verb, the act of creating, uploading, editing, or adding content to a social media platform.
  - F. Social media platform. "Social media platform" means a website through which individuals and organizations may develop uniquely-identifiable profiles and communicate and network with other individuals and organizations who visit or themselves also use the website.
    1. Examples of such websites are Facebook, Snapchat, Twitter, Instagram, and comment sections of online media organizations.

#### **IV. PROCEDURE**

1. To the extent permitted by law and Maine State Police policy (including this policy), Maine State Police employees have the right to express themselves as private citizens on personal social media platforms, including, but not limited to, to speak on matters of public concern.
2. In exercising that right, however, Maine State Police employees must be aware that the information they post – and the posts they make, endorse, or criticize – on personal social media platforms could be used by persons having direct or indirect access to such information and posts to call into question the credibility and impartiality of employees.

- A. One significant way that persons – including, for example, criminal defendants and defense attorneys – might use such information and posts is to call into question the credibility and impartiality of Maine State Police employees who routinely testify in criminal judicial proceedings, or are reasonably likely do so at some future time.
- 1. Depending on the circumstances of a given criminal case, such information and posts potentially could constitute *Giglio* information that would need to be disclosed to prosecutorial authorities, as well as to criminal defendants and their attorneys.**
- B. Persons having direct or indirect access to such information also might use the information to threaten the safety of Maine State Police employees, as well as their coworkers, friends, and family members.
1. As employees of a law enforcement agency, many Maine State Police employees are reasonably likely to have at least occasional interactions with individuals who are dangerous.
  2. Such individuals could use information posted on personal social media platforms to harass, stalk, impersonate, or otherwise unlawfully impact Maine State Police employees, including by using personal information – such as photos, location data, and biographical data – included on the platforms to engage in unlawful conduct.
- C. Maine State Police employees must be aware that privacy settings of social media platforms **can and do at times change**.
- 1. Accordingly, when using personal social media platforms, Maine State Police employees are strongly encouraged to presume that the information and posts placed on such sites could be directly or indirectly accessed at any time by individuals all over the world.**
- D. When using their personal social media platforms, and the Internet in general, each Maine State Police employee shall ensure that he or she is aware that:
1. Her or his online posts and comments become part of the worldwide electronic domain for an indeterminate length of time;
  2. Any information created, transmitted, downloaded, exchanged, or discussed in a publicly-accessible online forum – including, but not limited to, on a publicly-accessible personal social media platform – may be accessed by the Maine State Police at any time without prior notice;
  3. Use of personal social media platforms could compromise an employee’s ability to be assigned future undercover or covert assignments of the agency.
- E. When using personal social media platforms, Maine State Police employees shall **not**:
1. Without the prior, written authorization of the Colonel, post or otherwise disclose any privileged or legally-protected information learned or obtained in the course of their duties, including, but not limited to, any text, photograph, audio, video, or any other multimedia file related to any investigation, either current or past, of any law enforcement agency;

2. Without the prior, written authorization of the Colonel, post or otherwise disclose any text, photograph, audio, video, or any other multimedia file related to either current or past action of the Maine State Police, and that is critical of the agency or any personnel thereof;
3. Without the prior, written authorization of the Colonel, post or otherwise disclose any picture or description of any nonpublic work areas or facilities of the Maine State Police that would jeopardize the safety or security of such areas or facilities;
4. Without the prior, written authorization of the Colonel, post or otherwise disclose any information that is legally protected intelligence information, investigative information, or security information, or that is otherwise confidential as a matter of law;
5. Post any comment, discussion, text, photograph, audio, video, or any other multimedia or digital technology media file on a personal social media platform that implies, states, opines, or otherwise expresses their personal views that likely would:
  - a. Be detrimental to the mission of the Maine State Police;
  - b. Undermine the public's trust or confidence in the Maine State Police;
  - c. Bring embarrassment, disgrace, or doubt as to their credibility as impartial members of the Maine State Police;
  - d. Impair working relationships of the Maine State Police;
  - e. Impede the performance of their duties;
  - f. Impair discipline or harmony among coworkers;
  - g. Negatively affect the public perception of the Maine State Police;
  - h. Negatively reflect upon the mission, reputation, or professionalism of the Maine State Police;
6. Use personal social media platforms to conduct Maine State Police business;
7. Make any statements, speeches, appearances, endorsements, or publish materials that could reasonably be interpreted as representing the interest, views, or official positions of the Maine State Police.

## **NOTICE**

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# MAINE STATE POLICE GENERAL ORDER

## E-141

**SUBJECT:** MAINE STATE POLICE POLICY ESTBLISHING THE VOLUNTARY WELLNESS PROGRAM

**EFFECTIVE DATE:** 02.19.2020

**RECENT HISTORY:** NEW (02.19.2020)

**DISTRIBUTION CODE:** 2

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Voluntary Wellness Program ("VWP").

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To encourage and support the physical and mental well-being of members of the Maine State Police;
  - B. To maintain a voluntary, incentive-based wellness program, as described in this policy; and
  - C. To enhance the physical strength and flexibility, the mental health and resiliency, and the overall health, quality, and life-longevity of members of the Maine State Police.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Bloodwork. “Bloodwork” means, as examples only, a Hemoglobin A1C test, a Fasting Blood Glucose test, a Total Cholesterol and HDL Cholesterol test, or any other test used to monitor for diabetes or cardiovascular disease.
- B. Composite Score. “Composite score” means a final, merged score created by replacing the lower score of a given physical fitness test with a higher score achieved during a later administration of the same test.
- C. Physical fitness instructor. “Physical fitness instructor” means an individual approved by the Maine State Police Training Unit to administer one or more physical fitness tests.
- D. Physical fitness test. “Physical fitness test” means a one-and-a-half (1.5) mile run, a defined set of pushups, or a defined set of sit-ups.

#### IV. PROCEDURE

##### 1. PROGRAM GENERALLY

- A. Sworn members who are the rank of Sergeant and below may participate in the program.
- B. Members who voluntarily present proof of (a) meeting with a mental health professional at least once annually, (b) clearance by a medical provider to participate in physical fitness testing, and (c) an annual exam that includes bloodwork, shall be eligible to participate in physical fitness testing as part of the VWP.
- C. An employee shall be tested in three different physical fitness areas, as determined by the agency.
  - 1. For each test, an employee could be eligible for a one-time payment of up to one hundred dollars (\$100.00) annually, with a maximum annual total incentive for all three tests of three hundred dollars (\$300.00) annually.
  - 2. Stipends shall be prorated for each test as follows:
    - \$50.00 stipend for the 60th percentile
    - \$75.00 stipend for the 70th percentile
    - \$100.00 stipend for the 80th percentile
- D. **Participation in the VWP established by this policy is strictly voluntary.**
  - 1. A decision by a member not to participate in the VWP shall **not** result in any adverse employment action or consequence.
- E. Physical fitness testing may occur:

1. When a member is on regular duty, with the member's supervisor's prior approval
2. When a member is off shift; or
3. When a member is on a day off,

but in no circumstance may a member incur overtime in order to take part in physical fitness testing.

## 2. PROCESS

- A. A member shall use one of many methods to participate in a mental health resiliency check.
  1. The check may occur in-person, on-line, or on the phone, as described in the attached VWP self-certification form. *See attached.*
- B. Once the mental health resiliency check is completed, a member shall complete the VWP self-certification form and shall indicate the date on which the check occurred.
  1. Members are encouraged to explore mental health resiliency check options that are at no cost to members.
- C. A member shall use one of many methods to participate in bloodwork testing, as described in the attached VWP self-certification form.
  1. Once the bloodwork testing is completed, members shall complete the VWP self-certification form and shall indicate the date on which the testing was completed.
  2. Members are encouraged to explore bloodwork testing options that are at no cost to the member.
  3. Members are also encouraged to track bloodwork results and confer with a medical professional on what the results mean.
- D. Each member participating in the VWP shall obtain clearance from a medical professional, and self-certify on the VWP self-certification form, that the member is cleared to participate in physical fitness testing.
- E. Members participating in the VWP shall bring the completed self-certification form to any scheduled physical fitness testing event, which shall be held from time-to-time statewide throughout the year.

- F. A physical fitness instructor shall score a member in each of the three following areas, formulating the score based on Cooper Standard percentiles:
- A one-and-a-half (1.5) mile run;
  - A defined set of pushups;
  - A defined set of sit-ups.
- G. A member participating in the VWP may retake physical fitness testing as many times as desired in order to try to achieve a higher score in any of the tests, up to 5 PM May 1<sup>st</sup> of each year.
1. The annual incentive must be based on the highest composite score for each member achieved by or before that time and date.
- H. VWP incentive payments shall be paid as close as possible to June 30<sup>th</sup> of each year.

3. VWP PHYSICAL FITNESS INSTRUCTORS

- A. VWP physical fitness instructors shall receive training from the Maine State Police Training Unit on how to conduct and score physical fitness testing.
- B. Physical fitness instructors shall ensure that each member participating in the VWP has turned in a completed self-certification form prior to physical fitness testing.
- C. Physical fitness instructors may have members assist them when counting the number of laps, sit-ups, or pushups performed during a given, respective physical fitness test.
- D. Physical fitness instructors shall ensure VWP member self-certification forms are attached to the physical fitness test score sheets, and shall turn them into the Training Unit by or before 5 PM May 15<sup>th</sup> of each year.

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# Maine State Police Voluntary Wellness Program Self-Certification Form

By my signature below, I confirm that I have participated in a **wellness resiliency** check-up with (check one box below):

- ME Living Resources counselor *in person* (1-844-207-5465)
- ME ComPsych Guidance Resources counselor *on-line* (1-844-207-5465)
- ME LiveHealth Online counselor (livehealthonline.com or 1-888-548-3432)
- Personal medical or mental health provider
- Other (please describe) \_\_\_\_\_

Resiliency check-up provided on: \_\_\_\_\_  
Date

Employee's Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By my signature below, I confirm that I have been cleared by a medical provider and participated in wellness **bloodwork** testing for which I track and review my results (check one box below):

- Wellstar ME On-site Health Screening (this is the blood work done annually to receive the 5% reduction in your health insurance premium)
- Free standing lab (see your Anthem card or Employee Health & Benefits website)
- Your personal health care provider
- Other (please describe) \_\_\_\_\_

Blood work completed on: \_\_\_\_\_  
Date

Employee's Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

\_\_\_\_\_  
Name Relationship  
\_\_\_\_\_  
Contact Number