Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness

Subject:	**Domestic Violence Investigations**	**Policy #**	**O-10**
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	Rescinds All Previous Policies Related To This Current Policy		
Issuing Authority:	**Chief of Police Lee Miller**		

I. POLICY *BOT 3-1*, MLEAP 7-10

The Lincoln Police Department maintains that the nature and seriousness of crimes committed between family or household members are not mitigated solely because of the relationships or living arrangements of those involved. It is the policy of this agency that domestic violence be treated with the same consideration as violence in any other enforcement context.

It is also the policy of the Lincoln Police Department that officers take steps to properly investigate, identify dominant aggressors, and combine the use of appropriate community services with enforcement of the law in an effort to: (1) break the cycle of domestic violence by preventing future incidents or reducing the frequency and/or seriousness of such incidents, (2) protect victims of domestic violence and provide them with support, and (3)promote officer safety when dealing with domestic violence situations.

The Lincoln Police Department also recognizes that no one is immune from incidents of domestic violence, including law enforcement. As part of this policy, this agency will take a proactive approach when dealing with any domestic violence committed by agency employees.

Given this is a statutorily mandated policy; officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. Any violation of these standards may result in action by the Board of Trustees. ***BOT 3-29***

II. PURPOSE

The purpose of this policy is to provide a consistent process for responding to domestic violence and to prescribe a preliminary course of action that officers should take in response to domestic violence incidents

III. DEFINITIONS

Adult: Any person 18 years of age or older or a person under 18 years of age who is emancipated pursuant to 15 M.R.S. § 3506-A.

Abuse: 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:

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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 17-A M.R.S. § 106(1), (physical force by persons with special responsibilities) 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. (*See definition of course of conduct)*
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. Intentionally, knowingly, or recklessly communicates 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, consciously disregarding a substantial risk that 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 the plaintiff; or
    b. Being at or in the vicinity of the plaintiff's home, school, business or place of employment.

Confidential Communications: All information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. Confidential communications include, but are not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.

Course of Conduct: Two or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly 1) Follows, monitors, tracks, observes, surveils, or harasses a person; 2) Interferes with a person's property; 3) Threatens a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effects identified in subsection 1; or 4) Communicates to or about a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effect identified in subsection 1. "Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information.

Dating Partners: Individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

Domestic Partners: Two unmarried adults who are domiciled together under long term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Domestic Violence Crimes: Crimes of domestic violence assault; domestic violence aggravated assault; domestic violence elevated aggravated assault, domestic violence elevated aggravated assault on pregnant person; domestic violence criminal threatening; domestic violence terrorizing; domestic violence stalking and; domestic violence reckless conduct**.**

Domestic Violence Advocate: An employee of or volunteer for domestic violence service provider who has undergone at least 40 hours of training on state and federal laws, rules and regulations related to the confidentiality for victims of domestic violence, mandated reporting, civil and criminal legal procedures, advocacy skills, and local resources for victims.

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Domestic Violence Service Provider: A private, nonprofit or tribal organization that has a primary function to provide services or assistance to victims of domestic violence through crisis intervention, safety planning, and legal and educational information pertaining to domestic violence. (The Domestic Violence Resource Centers of the Maine Coalition to End Domestic Violence and the advocacy centers of the Wabanaki Women's Coalition are domestic violence service providers.)

Dominant Aggressor: The person most responsible for the violence, uses the higher level of violence, has an established history of violence in the relationship, and represents the more serious present threat of violence, when one or both parties have committed some violence towards each other, and it is unclear whether one party was acting in self-defense.

Dominant Aggressor Analysis: The method used by an officer to properly identify a dominant aggressor in order to prevent the inappropriate arrest of a victim by focusing on the totality of the circumstances and the broader context of the relationship dynamics between the two parties (See Appendix #3)

Family or Household Members: 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 (blood or marriage) or minor children of a household member when the offender is an adult household member. Holding oneself out to be a spouse shall not be necessary to constitute "living as spouses."

Law Enforcement Agency Employee: All sworn and non-sworn members of this agency.

Risk Assessment: A systematic process of evaluating the potential risks and hazards and analyzing that information to predict the likelihood of some negative event, e.g., re-abuse for example, as measured by re-arrest.

Self-defense: A person is justified in using a reasonable degree of physical force upon another person in order to defend the person or a third party from what the person reasonably believes to be the imminent use of unlawful force. See *Title 17-A M.R.S. § 108.*

Stalking: A pattern of behavior (2 or more acts) directed towards an individual by another that results in the person to whom the behavior is directed suffering serious inconvenience or emotional distress, fearing bodily injury or death for themselves, a close relation, or an animal they owner or possess. The behaviors can involve overtly criminal behavior or seemingly non-criminal, innocent behavior, or both. Stalking can escalate and ultimately result in actual physical harm to its intended subject. See *17-A M.R.S. § 210-A (1)(A).*

Strangulation: 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. Strangulation is an aggravated assault under Maine statue. See *17-A M.R.S. § 208(1)(C).*

IV. PROCEDURES

A. General *BOT 3-2*

Officers are responsible for being familiar with the applicable statutes of 15 M.R.S. §321 (protective orders in crimes between family members), 19-A M.R.S. Chapter 103 (protection from abuse), and 17-A M.R.S Chapter 9 (offenses against persons), 17-A M.R.S. §15 (warrantless arrest by a law enforcement officer, and any applicable chapters of the most recent edition of the Maine Law Enforcement Officer's Manual.

B. Initial Officer Response *BOT 3-4*

1. The officer should avoid the use of sirens and emergency lights in the vicinity of the scene of the incident. Officers should be alert to and note persons encountered while approaching the scene. If possible, an officer should question any potential witnesses found leaving the incident.
2. The officer should not park the police vehicle directly in front of the residence of the disturbance. The officer should be alert to assailants leaving the scene and for the deployment of weapons from doors, windows, or nearby vehicles.

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3. The officer should consider the surroundings before knocking on the door. The officer should listen and look in any nearby windows to obtain additional information about the situation (layout of house, number of people involved, weapons, etc.).
4. Officers must be concerned for their own safety as well as the victim's. To minimize the possibility of injury, the officer should stand on the side of the door when knocking. The unexpected may occur when the door opens.
5. If the incident involves a law enforcement officer or other employee of a law enforcement agency as the suspect, refer to additional initial officer response protocols below in *section J* of this policy.

C. **Complaint Investigation** ***BOT 3-4***

Upon arriving at a domestic violence call, officers shall:

1. Identify oneself as an officer by name, explain the law enforcement presence, and request entry into the home. If the complainant is in the home, ask to see the complainant. If the person who called law enforcement is someone other than the subject of the call, the officer should not reveal the caller's name.
2. Restore order by gaining control of the situation, in particular by securing the suspect and controlling the suspect's movement and ability to interact visually or verbally with others at the scene, especially the victim.
3. Take control of all weapons used or threatened to be used in the crime.
4. Assess the need for medical attention and call for medical assistance, if needed. In cases involving non-fatal strangulation, always call Emergency Medical Services to examine the victim, regardless of whether visible injury exists.
5. If any of the parties are of limited English proficiency, officers should arrange for interpretation services.
6. Interview all parties, to include children, neighbors, and other witnesses, separately.
7. Process the crime scene.
8. It is the policy of this agency to avoid making dual arrests in cases when both parties have committed some kind of violence against the other. Officers shall utilize the dominant aggressor analysis to 1) establish that probable cause exists that a crime has occurred, 2) actively investigate whether any party used self-defense, and 3) determine who is the overall dominant aggressor in the relationship. This is the person who poses the most past/present/future risk to the other, who uses an overall pattern of coercive, controlling tactics, and the person who places the other in fear. These steps in the analysis should be completed in order. Officers should consult the Dominant Aggressor Decision Tree (*Appendix 3)* when utilizing the analysis. This analysis should be used in making arrest decisions. ***BOT 3-7***
9. Collect and record evidence, and where appropriate, take color photos of injuries and property damage.
10. If the offender has left the scene and a crime has been committed, officers will:
    a. Conduct a search of the immediate area.
    b. Obtain information from victims and witnesses as to where the offender might be.
    c. Officers are encouraged to make a warrantless arrest when the offender is found or write an affidavit for an arrest warrant and arrest the offender.
11. If probable cause does not exist to make an arrest for violation of any domestic violence crime, officers must indicate in the agency incident report the reason for such. ***BOT 3-11***
12. In-custody arrest is mandatory when an officer has probable cause to believe that any of the following crimes has occurred:
    i. criminal violation of a protection order has occurred. A criminal violation is when the defendant violates 19-A M.R.S. §4110, subsection 3, paragraphs A – J;
    ii. domestic violence aggravated assault;
    iii. domestic violence elevated aggravated assault; and/or

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iv. domestic violence elevated aggravated assault on a pregnant person has occurred, pursuant to Title 19-A M.R.S. § 4113. ***BOT 3-8***

13. A warrantless arrest is authorized if an officer has probable cause to believe that a person violated an order issued pursuant to 15 M.R.S. §321(6). Furthermore, when an officer has reason to believe that a family or household member has been abused, the officer shall immediately use all reasonable means to prevent further abuse, which may include arresting the abusing party with or without a warrant pursuant to 19-A M.R.S. § 4113(3) and Title 17-A, § 15. ***BOT 3-8***
14. A warrantless arrest is also authorized if an officer has probable cause to believe a person has committed or is committing any crime listed in 17-A M.R.S. § 15.
15. Officers must make a good-faith effort to complete a validated, evidence-based domestic violence risk assessment, currently the Ontario Domestic Abuse Risk Assessment (ODARA) (*see Appendix 4*), on the offender: ***BOT 3-9***
    a. ODARA is administered after an arrest determination has been made, in any case involving a male or female offender arrested for: domestic violence assault; domestic violence aggravated assault; domestic violence elevated aggravated assault; domestic violence elevated aggravated assault on pregnant person; domestic violence criminal threatening with a dangerous weapon; and/or domestic violence terrorizing when the circumstances include:
        i. An act of violence involving physical contact with the victim or;
        ii. A credible threat of death with a weapon in hand made in the presence of the victim.
    b. ODARA is only validated for use in eligible relationships, which include current or former adult heterosexual intimate or dating partnerships; it is not yet validated for use in same sex intimate partnerships or cases involving other family or household member relationships.
    c. In addition to completing the ODARA score sheet, the officer should document in the narrative of the investigative report the specific facts and circumstances that support the scoring of the ODARA.
    d. The officer must provide the ODARA results with the Bail Commissioner, see 19-A M.R.S. § 4114(6)(E).
    e. The officer must provide a copy of the ODARA to the Office of the District Attorney for the county in which the abuse took place, see 19-A M.R.S. § 4114 (6)(E). At a minimum, the officer must ensure that a copy of the ODARA assessment is included in the case file for provision to the District Attorney's Office.
    f. The officer should attach the ODARA scoresheet to the incident report and also provide details about the sources of information and scoring of each ODARA item in the report narrative.
16. Complete appropriate offense or arrest reports and include, if possible and at a minimum, the following: ***BOT 3-16***
    a. Time of dispatch, time on the way to the call, and time of arrival.
    b. Description of the scene and the appearance and demeanor of the parties.
    c. Excited utterances/present sense impressions from the parties or witnesses.
    d. The officer's own observations of injury, people, and the scene.
    e. Each person's description of the relationship of the parties.
    f. Photographs.
    g. Any other physical evidence, including digital technology.
    h. Names, ages, addresses, and phone numbers of witnesses (including children and neighbors).
    i. Written statements from the victim(s) and witness(es).
    j. The three-step analysis when making the dominant aggressor determination.
    k. Whether an arrest was made.

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l. Details about the validated, evidence-based domestic violence risk assessment (Ontario Domestic Assault Risk Assessment), including the sources of information for each item and the score, if an arrest is made for an eligible crime and an eligible relationship exists.

m. Details about medical intervention, if any.

n. Request for medical records.

o. Note all existing Protection from Abuse Orders, bail conditions, and probation conditions.

p. Information and referrals provided to the victim, including Protection From Abuse Order information if no order already exists, and contact information for the domestic violence resource centers of the Maine Coalition to End Domestic Violence and the advocacy centers of the Wabanaki Women's Coalition.

q. ATN and CTN numbers when necessary.

r. Current contact information for the victim or another person who knows where to contact the victim.

s. SBI and Triple-I records.

17. The officer must provide a copy of the incident, arrest, or intelligence report to the local Domestic Violence Resource Center for all incidents involving domestic abuse, as permitted by 16 M.R.S. § 806(4), as expeditiously as practical, unless only after an individual case-by-case analysis, withholding the report is reasonably necessary to protect against the harms outline in 16 M.R.S. §804. See *Appendix 2* for the Domestic Violence Supplement Referral Form. ***BOT 3-28***

18. The agency shall establish a process to ensure that, when a person files multiple, separate complaints regarding the behavior of another person that may indicate a course of conduct constituting stalking, as defined in *Title 17-A, section 210-A*, and those complaints are reviewed together to determine if the other person has engaged in stalking under *Title 17-A, section 210-A.* ***BOT 3-10***

D. **Bail Commissioner Information Form** ***BOT 3-23***

1. Officers should make a good faith effort to complete the Bail Commissioner Information Form (see Appendix 1). The form includes:

    a. The officer's name, agency, incident number, ATN and CTN numbers.
    b. The pending charges with statutory citations and class of the pending crimes charged.
    c. The defendant's name, DOB, address(es), phone numbers, place of employment, physical description and location of arrest.
    d. The victim's name, DOB, relationship to the defendant, phone numbers and the victim's address only if it is clear the defendant already knows where the victim lives.
    e. Maine SBI, NCIC Triple III (if appropriate), BMV history information and any other history.
    f. Failing to Appear, Protection for Abuse/Harassment Orders or Other Bail Conditions information.
    g. When appropriate, the validated, evidence-based domestic violence risk assessment (ODARA) score.
    h. Whether the incident included the use of strangulation, stalking, or a sexual assault offense.
    i. Other information to include but not limited to the presence/use/threat of weapons, current or past threats to kill self/others/pets, alcohol or drug use, if the victim is pregnant, or if there was a recent separation.

E. **On Scene Assistance to Victims and Dependents**

Maine law provides that whenever an officer has reason to believe that a family or household member has been abused, the officer shall immediately use all reasonable means to prevent further violence. The LEO shall assist the victims of domestic violence in the following manner:

1. If the victim's English language is limited, officers should arrange for professional language interpretation services, including American Sign Language (ASL). ***BOT 3-13, 3-25***

2. Advise all parties about the criminal nature of domestic violence, its potential for escalation, and that help is available.

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3. Remain on the scene as long as there is a reasonable belief that there is a danger to the physical safety of that person without the presence of an officer, including, but not limited to, staying in the dwelling unit. ***BOT 3-12***
4. Assist that person in obtaining medical treatment necessitated by an assault, including all cases of strangulation, and if necessary, driving the victim to the emergency room of the nearest hospital. ***BOT 3-12***
5. Give that person immediate and adequate written notice of rights, which shall include information summarizing the procedures and relief available to victims of violence. This includes information about Protection from Abuse Orders and contact information for local domestic violence resource centers of the Maine Coalition to End Domestic Violence and the advocacy centers of the Wabanaki Women's Coalition. ***BOT 3-13, 3-14***
6. In circumstances in which it is necessary for the victim to temporarily leave the residence, officers should offer the victim assistance in locating lodging with family, friends, public accommodations, or a domestic violence shelter/safe home.

F. **Victim Notification, see 17-A M.R.S. §2107** ***BOT 3-22***

1. For victim notification to be possible by the jail, the officer must provide current victim contact information to the jail to which the defendant is delivered.
2. In a case of a crime involving domestic violence, the jail shall notify a victim of a defendant's release on pre-conviction bail as soon as possible, but no later than one hour after the defendant's release. If the defendant is released on bail before being delivered to jail, the arresting officer shall notify the victim as provided in this section.
3. Victim notification must be made by a telephone call directly to the victim. If the jail has not succeeded in contacting the victim after the jail has exercised due diligence in attempting to contact the victim, notification of the defendant's release must be made to this agency.
4. This agency shall make a reasonable attempt to notify the victim of the defendant's release. All notification attempts will be logged.
5. Notification to a minor victim must be made to an adult who is the victim's parent or legal guardian.

G. **Law Enforcement Officer Follow-up** ***BOT 3-15***

Officers assigned to domestic violence follow-up, accompanied by a back-up officer, if reasonably available, shall attempt to meet with the victim within 48 hours of all domestic violence incidents whether an arrest was made or not. In doing so, the officer can:

1. Check on the safety and well-being of the victim.
2. Identify any language, cultural, or other barriers to assistance and safety and provide referrals to the local domestic violence resource center, sexual assault service provider, and/or culturally specific domestic violence organization.
3. Ensure adherence of bail conditions, protection orders, and any other court orders. If violations are found, the officer should determine the nature of bail and court orders in that they are subject to change, and, if there is a violation, arrest the offender.
4. Further advise the victim of information about Protection from Abuse Orders and domestic violence advocacy programs.
5. Collect statements or other evidence.
6. Take follow-up photographs of any injuries from the original incident, if warranted.
7. Check social media outlets or other forms of digital technology in order to determine if any misuse of technology and/or stalking is occurring.
8. The officer shall complete a supplemental report regarding each follow-up visit and will ensure that it is attached to the original paperwork for the Office of the District Attorney. The officer will

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also ensure that the Office of the District Attorney receives any additional photographs or other evidence obtained as a result of the follow-up visit.

9. If the officer is unable to contact the victim within 48 hours, the officer will contact their supervisor who will make alternative arrangements to ensure that reasonable efforts to contact the victim continue.

H. **Property Retrieval** BOT *3-24*

Officers shall assist the retrieving individuals in obtaining the safe retrieval of the personal property belonging to the victim and/or defendant by using the following procedures:

1. Officers shall make reasonable efforts to ensure a property retrieval has not already occurred. The officer shall then contact each party to determine a convenient time for the retrieving individual to obtain personal belongings, if possible, prioritizing the victim's schedule and giving the victim the option of at least 24 hours' notice.
2. When possible, meet the retrieving individual at a pre-determined neutral location, with at least one officer.
3. Determine what personal belongings are to be obtained. These should be limited to clothing, children's clothing, toiletry items, and other reasonable personal belongings.
4. In a "keep the peace" retrieval for additional property, the officer shall review any court order provided detailing the property to be retrieved. The retrieving individual may not remove property unless specifically designated in the order unless both parties confirm the agreement. If any property is in dispute and possession is not designated in the order, the officer may not allow the retrieving individual to remove the property. The officer may refer the parties to the court for resolution of the matter.
5. The officer should keep the retrieving individual at a safe distance until it can be determined that the other person is not present.
6. Once the officer determines the other person is not present, then the retrieving individual can be accompanied into the location in order to obtain personal belongings.
7. The officer shall accompany the retrieving individual throughout the entire retrieval.
8. If it is determined the other person is at the location and violating any bail conditions or protective order stipulations, the officer shall arrest that person for the violation.
9. If it is determined the other person is at the location and there is a "no contact" provisions in place, the officer shall attempt to have that person leave prior to the retrieving individual retrieving personal items.
10. The officer shall check the existence of any order or conviction that prohibits possession of firearms from the retrieving individual. The officer shall not allow firearms or ammunition retrieval by any prohibited person.

I. **Procedures Involving a Law Enforcement Agency Employee** *BOT 3-5, 3-6*

This agency also recognizes that no one is immune from incidents of domestic violence, including law enforcement. As part of this policy, this agency will take a proactive approach when responding to any domestic violence committed by agency employees. Incidents of domestic violence involving agency employees shall be investigated utilizing both the procedures outlined above in this policy, and the following procedures and considerations:

1. **Agency Responsibilities**
   a. This agency shall, either in response to observed warning signs or at the request of an officer or a member of an agency employee's family, provide non-punitive avenues of assistance to employees, their partners, and other family members to mitigate potential acts of domestic violence.

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b. This agency shall identify a procedure for making confidential referrals to counseling services, either internally or in collaboration with existing community services that have specific expertise in domestic violence.
c. Information learned by the CLEO about an employee's conduct relating to the commission of domestic abuse, which could include criminal conduct, being a defendant in a temporary or permanent protective order in any jurisdiction, or other conduct reportable to the Maine Criminal Justice Academy under Title 25 M.R.S. § 2807 shall be investigated both criminally and administratively as outlined in *Policy A-2 Investigation of Employee Misconduct.*
d. Following a domestic violence incident, the agency shall designate a member of the command staff to act as a principal contact for the victim. The assigned contact officer will:
    i. Keep the victim apprised of the case throughout the adjudication process.
    ii. Inform the victim of confidentiality policies and their limitations and ensure that confidentiality is maintained throughout the case.
e. When responding to a domestic violence incident involving a law enforcement officer or other law enforcement agency employee from another jurisdiction, all law enforcement personnel shall follow the same procedures that are to be followed in responding to a domestic abuse complaint involving an employee from their own agency. The agency shall provide written notification to the CLEO in the suspect's jurisdiction in a timely manner, and if possible, within 24 hours.
f. 25 M.R.S. § 2807 requires the Chief Law Enforcement Officer (CLEO) of an agency to notify the Director of the Maine Criminal Justice Academy within 30 days when an officer employed by that agency is convicted of a crime or violation or engages in conduct that could result in suspension or revocation of the individual's certification.
    i. In practice, this could include for example, a domestic violence related arrest, or being the defendant in a temporary or permanent Protection from Abuse Order.
    ii. This could also include other conduct not resulting in an arrest, charge or conviction that would constitute engaging in conduct that is prohibited or penalized by state law as murder or a Class A, Class B, Class C or Class D crime or by any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45, as per 25 M.R.S. § 2806-A(5)(F).

2. **Supervisor Responsibilities**
    a. Supervisors shall be cognizant of and document all behavior, on-duty or off-duty, in which employees may be exhibiting signs of possible domestic violence related problems, including increased use of force during arrests, alcohol and/or drug abuse, increase in "controlling" behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, inappropriate aggression towards animals, and on-duty or off-duty injuries. Off-duty related problems and injuries would include problems as a victim or a suspect.
    b. Supervisors shall immediately make their ranking supervisor aware of any and all such behavior.
    c. The CLEO shall be informed of such circumstances or concerns in a timely manner through the chain of command, and if possible, within 24 hours.
    d. Whenever an agency employee is arrested, the supervisor shall relieve the employee of any agency-issued weapons provided that the weapons can be legally obtained. The supervisor shall inquire whether the victim wants any weapons removed from the home for safekeeping by the agency and thereafter remove such weapons provided that such removal is accomplished legally.
    e. In the event that an incident involves the CLEO of the agency or the agency of another jurisdiction, the supervisor shall immediately notify the individual who has direct oversight for the CLEO.

3. **Responding Law Enforcement Officer Responsibilities**
    a. Investigating officers follow all procedures outlined in this policy, in addition to the procedures and considerations in this section.

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b. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement officer or other employee of a law enforcement agency, the primary officer shall immediately notify dispatch, and notify or request notification of a supervisor of higher rank than the involved officer. The ranking officer should report to the scene, regardless of the involved officer's jurisdiction.
c. Responding officers shall be aware of the heightened risk that a suspect who is a law enforcement officer will likely possess firearms, other weapons, physical combat training, or all three.
d. Officers should be aware that the suspect might attempt to make emotional appeals to responding officers.
e. In cases involving a suspect who is a law enforcement officer or other employee of a law enforcement agency, responding officers must respond to the victim in a way that assures the victim that their case will be investigated and handled thoroughly and professionally, without regard for the suspect's employment as a law enforcement officer.
f. Responding officers shall seek out and preserve secondary sources of information and supplemental evidence, in order to ensure that coercion and tampering is not being attempted or committed, and in order to support the case in the event that the victim may discontinue involvement in the case for safety or other reasons.

4. **Law Enforcement Employees Responsibilities**
   a. Agency employees are encouraged and entitled to seek confidential assistance from the agency to prevent a problem from escalating to the level of criminal conduct against a family or household member.
   b. Agency employees with definite knowledge of violence and/or violence involving fellow employees must report such information in a timely manner to their supervisor. Failure to do so will subject the employee to disciplinary action.
   c. All employees shall be aware of possible witness or victim intimidation, coercion or tampering. Whenever an employee suspects this is occurring, the employee shall prepare a written report and immediately deliver it to the investigator in charge of the case.
   d. Employees who are the subject of a criminal investigation, protective order related to domestic violence, regardless of jurisdiction, are required to report themselves to the CLEO and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

J. **Protection Orders** ***BOT 3-17, 3-18, 3-19***

1. Arrest is mandatory if there is probable cause to believe that a violation of a court-approved Protection Order or a consent agreement has occurred, pursuant to 19-A M.R.S. §4114(5).
2. The service of a Protection from Abuse Order shall be served as quickly as possible. The service of a temporary, emergency, or interim order must be attempted within 48 hours after receiving notice of the order from the court.
3. Once a Protection from Abuse Order has been issued, whether temporary or permanent, officers shall place a high priority on service of the Protection Order, or any modification of such order. The order must be served on the individual, by delivering a copy to the individual personally.
4. Pre-service notification to the Defendant is not the default approach to the service of the Protection Order. If it is determined that such notification is "necessary to ensure timely service," contact with the Plaintiff is desirable to determine if there is information helpful to service of the order or any concerns about pre-service notification. In high-risk cases where safety makes pre-service communication with the defendant necessary, the Officer should **not** specify whether relinquishment of firearms is part of the court's order.
5. If the Protection Order being served requires that firearms are to be relinquished to law enforcement, the serving Officer should make a good faith effort to determine whether the defendant possesses any firearms and to take any firearms that are in the defendant's possession. The serving Officer has no discretion to facilitate transfer of firearms to someone other than law enforcement.
6. If the individual refuses to receive any Protection Order, the officer shall leave the Protection Order in the immediate presence of the individual and advise the individual of the content of the Protection Order, the fact that the individual has been officially served, and the consequences of a violation of the Protection Order.

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7. Officers will document all Protection Order services and/or attempts, articulating the circumstances surrounding the service/attempt of the Protection Order. Once service has been made, the serving agency shall ensure the service information is entered into the METRO System without delay and the return of service is sent to the court. If the Protection Order requires relinquishment of firearms, the officer will file A Notice of Relinquishment (court form PA-024) with the court that issued the protection from abuse order once service has been completed. PA-024 will be filed regardless of whether any firearms were actually relinquished. The officer must also notify other relevant law enforcement agencies in any other jurisdictions where a defendant reports firearms to be located.
8. Uniform Full Faith and Credit Clause: Officers shall expeditiously enforce valid Protection Orders from other States and Tribal Courts. Officers shall verify the validity of the protection orders prior to enforcing them. ***BOT 3-21***
9. Violation of a Protection Order A person commits the offense of "Violation of a Protection Order" if:

a. A District Court has issued a Protection Order, Temporary Protection Order, or any modification of such an order against a person, and that person violates that order;
b. The defendant received prior actual notice of the order or consent agreement, which may be by physical service of the order or notice other than service in hand, pursuant to Title19-A M.R.S. § 4113(1); and
c. Officers must recognize that a person who obtains a Protection from Abuse Order cannot violate the order regardless of any action taken by the person or the defendant; the order only constrains the defendant. ***BOT 3-20***

10. Enforcement of a Violation of a Protection Order

    Pursuant to 19-A M.R.S. § 4114(5) in-custody arrest is mandatory for any violation of a protective order.

K. **Agency Follow Up if Victim is Seriously Injured or Killed**

The Chief Law Enforcement Officer (CLEO) of this agency shall cause to have this policy reviewed, and document the agency's compliance with policy, in the event that a victim of domestic violence who resided in this agency's jurisdiction is killed or seriously injured during the time that any temporary or permanent Protection from Abuse order (PFA) was in effect or there had been past agency involvement related to interactions between the perpetrator and the victim. The review shall be conducted in consultation with a domestic violence advocate as defined in Title 16 M.R.S. § 53-B(1)(A) and a sworn law enforcement officer designated or trained as a domestic violence investigator. A report shall be prepared and kept on file with the agency. ***BOT 3-26***

In any case where one or more victims are killed, a copy of all reports and/or document generated and/or maintained by the agency shall be forwarded to the Maine Domestic Abuse Homicide Review Panel through the Maine Office of the Attorney General. ***BOT 3-27***

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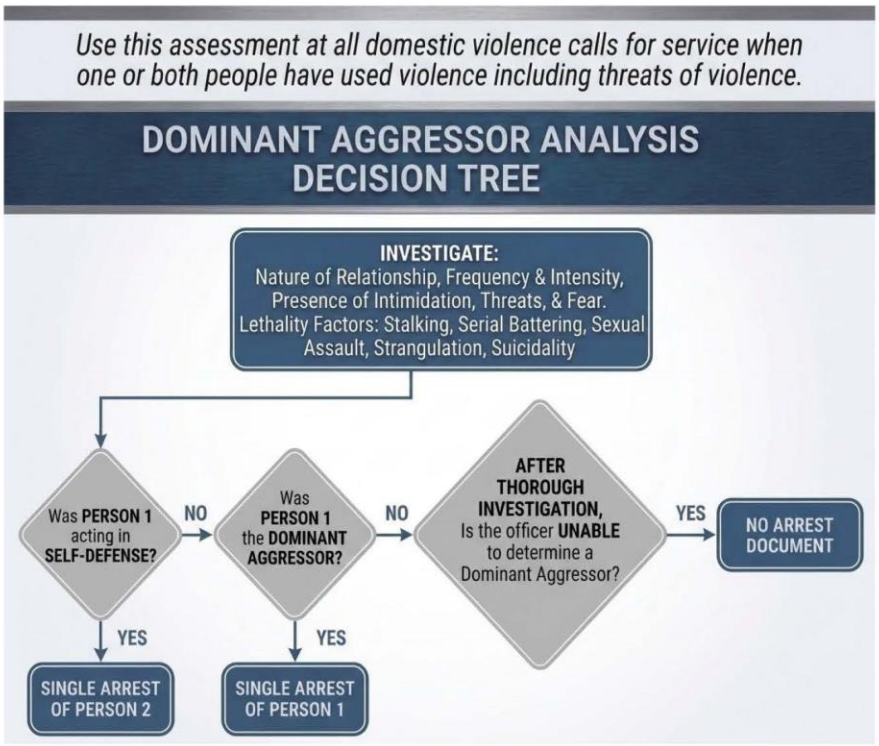
Appendix 1

DOMESTIC VIOLENCE WORKSHEET

Appendix 2

BAIL COMMISSIONER INFORMATION FORM

Appendix #3



Sep 14, 2026 • Jennifer Annis • Violence Intervention Partnership

In collaboration with: Maine Coalition to End Domestic Violence, Detective Erin Curry (South Portland Police Department), Detective Holly Thompson (Scarborough Police Department), and Lt. Dan Young (Gorham Police Department)

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QUICK GUIDE TO SCORING THE ODARA

ODARA assesses the likelihood that a **male or female arrestee** who has already committed an assault on a **current/former heterosexual intimate or dating partner** will do so again in the future. To score ODARA, **YOU MUST HAVE THE FOLLOWING:**

- ☐ **An index (current) incident involving an assault defined as either:** [1] Any act of violence that involved physical contact with the victim; or [2] A credible threat of death with a weapon in hand made in the presence of the victim.
- ☐ **Eligible crime:** domestic violence assault (incl. aggravated and elevated aggravated assault); domestic violence criminal threatening w/ a dangerous weapon; and domestic violence terrorizing if includes the above required circumstances.
- ☐ **Eligible relationship:** Current or former heterosexual intimate or dating partners only; not other family or household member relationships.

___ 1. Prior domestic incident of assault in a police or criminal record

- Must involve an assault* carried out by the offender on a prior occasion to the index incident and reported to police
- Include any prior assaults on a current or previous partner or child of the current or previous partner (conviction not required)
- Exclude prior occurrences involving strangers, friends, parents, siblings, pets, other family members, or on police

___ 2. Prior non-domestic incident of assault in a police or criminal record

- Exclude assaults* involving a current or previous partner or a child of theirs

___ 3. Prior custodial sentence of 30 days or more (adult/juvenile facility; any offense, not limited to DV)

- Only include sentences of 30 days or more; only part of sentence has to have been served; partially suspended sentences count
- Exclude time spent in custody waiting to go to court, unless the time is included as part of the sentence ("time served")

___ 4. Failure on prior conditional release (bail, deferred disposition, probation, PFA, no-contact order; any offense, not limited to DV)

- Include any known violation at time of index incident or prior to it, whether or not the offender was arrested or charged

___ 5. Threat to harm or kill at the index assault

- Threat must be commonly recognized as a threat to harm a person (not pets or property) physically
- Only include threats made at time of the index incident, whether or not the threat was carried out
- Exclude threats of self harm or threats of emotional or financial harm, legal action or custody dispute

___ 6. Confinement of the victim at the index assault

- Include any attempted or actual act to physically prevent the victim from leaving the scene, whether successful or not
- Exclude restraint in the course of index incident, e.g., holding victim down in order to assault her/him, or threats of future harm

___ 7. Victim concern about future assault (expressed in first report of index assault to police)

- Include any statement made by the victim that she/he is afraid, concerned, worried or certain of possible future assault on her/him or their child/ren by the person being assessed
- Exclude inferences based on protective action taken by the victim, or safety fears during the index incident

___ 8. More than one child

- Include living biological, adopted, adult and minor children of the person being assessed, or the victim, and children they have together, regardless of where they live
- Exclude children of a previous partner who are not biologically related to or adopted by offender or victim

___ 9. Victim's biological child from a previous partner

- Include only the victim's living biological children regardless of age or where they live

___ 10. Prior violent incident against a non-domestic partner

- Include assaults* whether or not reported to police or in criminal record. [NOTE: Score 1 if item #2 scores 1]
- Exclude act of violence involving current or previous partners and/or any children of theirs

___ 11. Two or more indicators of substance abuse (Score "1" if the offender has previously been charged with an alcohol or drug related offense OR if at least two of list below are true):

A. Offender consumed alcohol immediately before or during the index incident;
B. Offender used drugs immediately before or during the index incident;
C. Offender abused drugs and/or alcohol in the days or weeks prior to the index incident
D. Offender noticeably increased abuse of drugs/alcohol in the days or weeks prior to the index incident
E. Offender has been more angry or violent when using alcohol or drugs prior to the index incident
F. Offender consumed alcohol before or during a criminal offense predating index incident
G. Offender's alcohol use prior to the index incident but since age 18 resulted in some problems or interference in his/her life
H. Offender's drug use prior to the index incident but since age 18 resulted in some problems or interference in his/her life

NOTES:

_____

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_____

_____

* "Assault" definition for items 1, 2, 10, 12 = physical contact, or the use or attempted use of a weapon to contact the victim's body, or threat of harm made with a weapon in hand.

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