



MAINE STATE POLICE GENERAL ORDER

E-13

SUBJECT: MAINE STATE POLICE POLICY REGARDING GENERAL ORDERS

NUMBER: E-13

EFFECTIVE DATE: 10.27.2020

EXPIRATION DATE: 10.27.2027

RECENT HISTORY: AMENDED (10.27.2020); AMENDED (08.01.2020); AMENDED (06.03.2020); 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 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

MLEAP: 1.04

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, which shall be organized in a manner that allows for referencing, that establish policies and procedures that are to be followed, to the extent applicable, by Maine State Police employees; **MLEAP 1.04-A**
- 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.

1. Such signed policies may be created and stored electronically.

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. GENERAL

- A. The Colonel shall ensure that all General Orders of the Maine State Police are in compliance with law.

2. 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 expiration date of the General Order, which shall be seven (7) years after the effective date indicated on the General Order;
5. The recent history of the General Order, which shall account for at least the most recent seven (7) year history of the order;
6. 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.

7. The applicability code of the General Order.

a. The applicability codes for General Orders are as follows:

C = Civilian personnel;

S = Sworn personnel;

Z = Special agents working under contract for the Maine State Police

8. The relevant Maine Law Enforcement Accreditation Program ("MLEAP") standards code or codes, if applicable.

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.

1. An original signature may be provided by the Colonel electronically.

E. The authority of a General Order remains in effect for seven (7) years after the effective date indicated on the policy unless the order is rescinded, re-issued, amended, or revised during that seven-year period.

1. If a General Order is re-issued, amended, or revised during the seven-year period, the authority of the policy is extended by seven years following the date on which the reissued, amended, or revised policy becomes effective.

F. If two or more General Orders that are in effect conflict, the terms of the most recently issued Order take precedence and control.

3. DISTRIBUTION OF GENERAL ORDERS **MLEAP 1.04-E**

A. New, revised, and amended General Orders are to be distributed pursuant to the applicability codes indicated on the policies, as well as to the extent necessary and appropriate to ensure that the intent of respective General Orders is carried out.

B. 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 and applicable to them.

1. Whenever a new, revised, or amended General Order has been reviewed, personnel to whom the policy applies are to acknowledge that they have reviewed and understand the General Order.

a. Such acknowledgement may be given electronically.

4. AVAILABILITY OF GENERAL ORDERS **MLEAP 1.04-D**

- 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.

5. 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.
6. 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.
7. SUBSTANTIVE EDITS OF GENERAL ORDERS REQUIRE COLONEL'S SIGNATURE
1. For any substantive edit 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.
8. TECHNICAL EDITS TO GENERAL ORDERS

1. The Staff Attorney, or her or his designee, may make formatting changes and corrections (e.g., grammatical, spelling) to General Orders at her or his discretion.
 - a. Any such technical edits must be noted in the “recent history” field of the policy.
 - b. Any technical edits to a General Order made pursuant to this subsection re-set the effective date and duration of a General Order.

9. REVIEW OF GENERAL ORDERS

- A. General Orders shall receive managerial policy review at least every two (2) years to determine whether they must be amended, revised, or rescinded.
 1. Policies may be reviewed more frequently, on an "as needed" basis, as required due to updates of model policies on which the orders are based, or when legal authorities (such State or Federal statutes) or case law cited in the policies need to be updated. **MLEAP 1.04-B, C**

10. AUTHORITATIVE LISTING OF MAINE STATE POLICE POLICIES

- A. The Staff Attorney shall maintain a listing of all Maine State Police General Orders that are in effect.
- B. Except as provided in subsection C, below, Maine State Police policies not included on the list maintained by the Staff Attorney 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.

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