



# MAINE STATE POLICE GENERAL ORDER

## E-41

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING DUTIES OF OFFICERS RESPONDING TO A MAJOR CRIME SCENE

**EFFECTIVE DATE:** 08.01.2020

**EXPIRATION DATE:** 08.01.2027

**RECENT HISTORY:** AMENDED (08.01.2020); AMENDED (11.07.2017); REVISED (07.13.2015); CONVERTED TO WEB FORMAT ON 05.15.2009 (FORMERLY G.O. 42F)

**DISTRIBUTION CODE:** 2 (MAY BE PUBLICLY DISCLOSED)

**APPLICABILITY CODE:** S, Z

**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 might 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 it is 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 the 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 victims 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, once 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.
- D. 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.
- a. Officers should not touch or move anything at the scene.
  - b. If a weapon or firearm is located, it should remain untouched in its original location, unless circumstances dictate that it cannot be safely left.
  - c. 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.
- E. Officers should never use bathroom facilities, turn on water, use towels, use telephones, smoke, or use any tobacco products inside the scene perimeter.
1. Officers should not discard any materials inside the scene perimeter.
- F. 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 the 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.

- G. 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.**