



MAINE STATE POLICE GENERAL ORDER

E-43

SUBJECT: MAINE STATE POLICE UNDERWATER RECOVERY TEAM

EFFECTIVE DATE: 08.01.2020

EXPIRATION DATE: 08.01.2027

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

APPLICABILITY CODE: S

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

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.
2. *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.
 - a. 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., NESPACE) 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.