MAINE STATE POLICE GENERAL ORDER

M-1

SUBJECT: MAINE STATE POLICE POLICY REGARDING THE USE OF FORCE

EFFECTIVE DATE: 11.17.2025

EXPIRATION DATE: 01.22.2028

RECENT HISTORY: AMENDED (11.17.2025); AMENDED (01.22.2021); AMENDED (08.01.2020); 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TECHNICAL AMENDMENTS (12.16.2013); AMENDED (12.15.2011); AMENDED (07.14.2010); AMENDED (05.27.2010); AMENDED/UPDATED; RESCINDED MSP GO E-7 (10.05.2009)

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SIGNATURE OF COLONEL:	

I. PURPOSE

1. The purposes of this General Order are:

   A. To inform Maine State Police officers about the provisions of Maine law regarding the use of nondeadly and deadly force;
   B. To establish the processes that the Maine State Police is to follow when responding to incidents involving the use of nondeadly and deadly force;

C. To provide general protocols to be followed to protect the mental and emotional health and general well-being of Maine State Police officers who have been involved in an incident resulting in the of, or serious bodily injury to, a person;
D. To ensure that First Aid is rendered by the officers or a medical provider (EMS, EMT, paramedic, ED.) trained in the use of such aid to anyone injured or reporting an injury after force has been applied [MLEAP 6.07].

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 achieve the desired legal objective and effectively bring a situation under control while protecting the officer and other persons [MLEAP 6.01];
B. To duly respond to and review incidents involving the use of nondeadly force where an injury occurred and to any deadly force incident;

1. Use of nondeadly force incidents where no injury occurred shall be documented and reviewed on the Maine State Police Use of Force form.

C. To take immediate, proactive action after an incident resulting in the possible or actual death of, or serious bodily injury to, a person, in order 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. *See* 17-A M.R.S. §2, sub-§ 5.
C. Canine (“K9”). “Canine” (“K9”) means a law enforcement agency dog, the training and certification of which has included canine handler protection and suspect apprehension.

1. Use of a canine is considered the use of nondeadly force. *See* 17-A M.R.S. §101, sub-§ 5.

D. Chemical agents (OC). "Chemical agents" (OC) means chemical mace, Oleoresin Capsicum (commonly referred to as “pepper spray” or “OC”), or any similar substance composed of a mixture of gas, chemicals, inflammatory agents, irritants, or similar substances that has or is designed to have a temporary disabling effect upon a person.

1. Incapacitating agents are designed to produce temporary physiological or mental effects, or both, that will render individuals incapable of concerted effort.
2. Chemical agents can be in the form of a liquid, gas or powder.
3. The use of chemical agents is considered the use of nondeadly force. *See* 17-A M.R.S. §101, sub-§ 5.

E. Colonel. “Colonel” means the Chief of the Maine State Police, or her or his designee.

F. Command presence. "Command presence" means the ability of a person to speak clearly and authoritatively, issuing concise commands using a tone that reflects control and professionalism.

G. 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.

H. Deadly Force. "Deadly force" means “deadly force” as defined at 17-A M.R.S. §2, sub-§ 8.

I. Deadly force incident. "Deadly force incident" means an incident in which either:

1. Deadly force is used by an officer;
2. Nondeadly force is used by an officer and the nondeadly force causes the death of, or serious bodily injury to, another person; or
3. An accidental discharge of an officer's firearm occurs that causes the death of, or serious bodily injury to, another person.

J. De-escalation. “De-escalation” means the use of verbal or non-verbal actions and tactics, whenever feasible and possible, preceding, or during a potential force encounter.

1. Des-escalation may include, but is not limited to, use of distance, cover, tactical re-positioning, and communication in order to stabilize a situation, reduce immediacy of a threat, and allow for more time and options for resolution.

2. The goal of such tactics is to control a situation, allowing access to additional resources (e.g., personnel, supervisors, specialized officers, or teams) that may mitigate the intensity of the encounter, help gain voluntary compliance, or otherwise allow for control of the situation and the safety of the officer, subject, and others without the need for the use of force or additional force.

K. Electronic weapon. "Electronic weapon" means a portable device from which an electrical current, impulse, wave, or beam may be directed, and that current, impulse, wave, or beam is designed to have a disabling effect upon a person.

1. The use of an electronic weapon is considered the use of nondeadly force. *See* 17-A M.R.S. §101, sub-§ 5.

L. Excessive force. "Excessive force" means physical force that is unreasonable, unnecessary, or inappropriate for a particular set of circumstances based on the reasonableness standard.

1. Excessive force includes an unreasonable and/or unnecessary use of force, that is in itself a substantial deviation from known standards of law enforcement training.
2. Determining whether the application of physical force is reasonable, necessary, and appropriate requires consideration of the severity of an offense, the nature and extent of the threat posed by a person, the degree to which a person resists arrest or detention, and any attempts by a person to evade arrest by flight.
3. **Facts or circumstances unknown to an officer at the time he or she used physical force may <u>not</u> be considered later in determining whether physical force was justified.** *Graham v. Connor,* 490 U.S. 386 (1989).

M. Excited Delirium Syndrome ("ExDS"). "Excited Delirium Syndrome" ("ExDS") means a medical disorder generally characterized by observable signs, symptoms, and behaviors that may appear together, including extreme mental and physiological excitement, intense agitation, hyperthermia (elevated body temperature), often resulting in nudity, hostility, exceptional strength, endurance without apparent fatigue, and unusual calmness after restraint accompanied by a risk of sudden death.

N. Firearm. "Firearm" means "firearm" as defined at 17-A M.R.S. §2, sub-§ 12-A.

O. Imminent. "Imminent" means impending, immediate, or appearing as if about to happen.

P. Impact weapon. "Impact weapon" means a device or weapon designed for use by an officer in close-quarter physical defense of the officer or another and/or to control of an aggressive offender.

1. Examples of an impact weapons are a straight baton, a side-handle baton, an extendable baton, and a flashlight.

Q. Individual actions. "Individual actions" means the following behavior in the context of the situational use of force options assessment process:

1. Cooperative: Compliant and willing to obey, posing minimal threat to an officer and others.
2. Resistive (Passive): Non-compliance, defiance or failure to cooperate with lawful verbal direction, but offering no resistive or evasive bodily movement to prevent an officer's attempt at physical control (e.g., a passive demonstrator, a person going limp, prone or refusing to stand up, lie down, enter / exit vehicle, leave the scene, etc.).
3. Resistive (Active): Physically resistive or evasive bodily movement, including, but not limited to, muscle tension, bracing, pushing, pulling, flailing or flight to avoid or defeat an officer's attempt at physical control, or to prevent being taken into or retained in custody.

    a. Verbal statements, defiance and belligerence alone do not constitute active resistance.

4. Active Aggression: A threat of an assault, coupled with any pre-attack indicators (e.g., clenched fists, flanking, fighting stance, etc.) and the present ability to carry out the threat or assault, reasonably indicating that an assault or injury to the officer or another person is imminent.
5. Assaultive (High Risk): An overt act of an assault, or highly agitated or combative actions or behavior posing an imminent threat of injury to an officer or another person. Such actions may include, but are not limited to, hostile physical or active resistance, kicking, punching or spitting, regardless of whether an assault occurs.
6. Life Threatening: Actions or behavior that could cause the death of or serious bodily injury to an officer or another person, and that potentially justifies the use of deadly force.

R. Less-lethal force. "Less-lethal force" means those response options that are not designed or used with the intention of causing (and have less potential for causing) death or serious bodily injury, including, but not limited to, the use of chemical agents, electronic weapons,

noise/flash diversionary devices, or impact projectiles such as those fired by a Pepper Ball launcher or 40mm launcher.

S. Less-lethal grenade. “Less-lethal grenade” means a weapon designed to expel projectiles such as chemical agents or smoke.

1. The use of a less-lethal grenade is considered the use of nondeadly force. *See* 17-A M.R.S. §101, sub-§ 5.

T. Less-than-lethal munition. "Less-than-lethal munition" means "less-than-lethal munition" as defined at 17-A M.R.S. §101, sub-§ 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 the use of nondeadly force. *See* 17-A M.R.S. §101, sub-§ 5.

U. 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.

V. Nondeadly force. "Nondeadly force" means "non-deadly force" as defined at 17-A M.R.S. §2, sub-§ 18;

1. For the purposes of this policy, the pointing of a firearm at a person or persons constitutes the use of nondeadly force, if the person is aware or believed to be aware that a firearm was pointed at them.

W. Nondeadly force incident. "Nondeadly force incident" means an incident in which either:

1. Nondeadly force is used by an officer; or
2. An accidental discharge of an officer's firearm occurs and does not cause injury to another person as a result of the discharge.

X. Officer presence. "Officer presence" means the presence of a law enforcement officer who is willing and able to handle a situation.

Y. Officer response options. "Officer response options" means the choices available to an officer concerning the type of force to be used in response to a given situation, including, but not limited to, command presence, physical presence, voice commands, compliance techniques, takedowns, electronic weapons, chemical agents, impact weapons, canines, and deadly force.

Z. Physical force. "Physical force" means the actual exercise of some form of kinetic energy (one person to another) of such a nature as to create an imminent and substantial risk of causing bodily harm.

AA. Reasonable belief. "Reasonable belief" means a belief of a person that is formed based on facts or circumstances provided to or known to a

law enforcement officer are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

BB. Serious Bodily Injury. "Serious bodily injury" means “serious bodily injury” as defined at 17-A M.R.S. §2, sub-§ 23.

CC. Situational use of force options assessment process. “Situational use of force options assessment process” means a dynamic process by which an officer assesses, plans, and responds to situations that threaten public and officer safety and may or does require the use of force and control.

1. The process includes an assessment of the situation and circumstances immediately confronting an officer, including, but not limited to, the severity of the offense or suspected offense, the level and imminence of any threat to the officer or any other person, the level of a suspect’s resistance, the risk of escape or an apparent attempt to flee or escape, the suspect’s behavior and individual actions (cooperative, resistive (passively or actively), assaultive / high risk, or life-threatening (posing a threat of death or serious bodily injury), and the officer's perceptions and tactical considerations.
2. Based on the assessment process, the officer selects from the available officer response options while continuing to evaluate the evolving situation, adapting a plan and actions that are appropriate and effective in an effort to bring the situation under control.

DD. Specialty team. "Specialty team" means a team of Maine State Police officers that is 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.

EE. Weapon of availability. “Weapon of availability” means a flashlight, vehicle, tool, object, or other device that is not necessarily issued as, intended to be, or normally authorized as a weapon, but that may be used in extraordinary circumstances when its use would be justifiable and no other adequate or suitable defensive tool is immediately available

IV. PROCEDURE

1. USE OF FORCE

A. GENERAL PRINCIPLES

1. The Maine State Police respects the value, uniqueness, and special integrity of each human life.
2. In vesting Maine State Police officers with the lawful authority to use physical force to protect the public welfare, a careful balancing of all human interests is required.
3. That an officer is to use only that degree of physical force that the officer reasonably and actually believes is necessary to achieve the desired legal objective and effectively bring a situation under control while protecting the officer and other persons

    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 each incident to determine which response option would most likely defuse the incident and bring it under control.

    b. An officer may use only proper 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 is not limited to, the use of an electronic control device and less-than-lethal munitions, when applicable and appropriate.

    c. An officer shall provide First Aid, to the best of their ability or ensure a medical provider (EMS, EMT, paramedic, ED.) provides First Aid, but at a minimum shall request medical assistance for anyone injured or reporting an injury after force has been applied. [MLEAP 6.07]

4. Officers shall be generally familiar with the following provisions of law:

    a. 17-A §105. Use of force in property offenses;
    b. 17-A M.R.S. §106. Physical force by persons with special responsibilities ;
    c. 17-A M.R.S. §107. Physical force in law enforcement ;
    d. 17-A M.R.S. §108. Physical force in defense of a person; and

e. 17-A M.R.S. §110. Threat to use deadly force against a law enforcement officer .

5. While on duty, Maine State Police officers shall carry only agency-issued or agency-approved weapons or tools and must be trained in the use of those weapons and tools prior to carrying or using them.

6. Whenever reasonably feasible, officers shall attempt to de-escalate situations that could lead to a use of force encounter.
7. An officer shall not in any circumstance use excessive force.

   a. An officer who witnesses another officer using what the witnessing officer reasonably believes to be excessive force has a duty to intervene to protect the safety and the rights of the subject involved.
   b. **An officer who witnesses use of force that the officer believes to be excessive force, shall report her or his observations to her or his supervisor as soon as practicable; the officer then shall document the incident as soon as practicable.**

B. MEDICAL CARE FOR INDIVIDUALS ON WHOM FORCE WAS USED

1. An officer shall monitor an individual in custody on whom force has been used for evidence of injury or medical distress.
2. An officer shall offer medical aid for minor injuries to an individual in custody, including by the officer if he or she has been trained to render such aid; if such aid is knowingly refused by the individual following the offer, then the refusal shall be documented by the officer on the applicable use of force form.
3. An officer shall request First Aid/Emergency Medical Services assistance any time an individual in custody:

   a. Requests medical aid following the use of force;
   b. Requests medical aid for an injury;
   c. Displays signs of medical stress, including, but not limited to, those associated with drug or alcohol overdose, excited delirium, or positional asphyxia; **in circumstances such as these, the officer shall immediately render or seek appropriate medical aid**;

d. Does not appear to properly recover following the use of less-lethal force; or
e. Displays signs or symptoms of serious bodily injury.

C. USE OF NONDEADLY FORCE MLEAP 6.01

1. A law enforcement officer is justified in using a reasonable degree of nondeadly force upon another person in accordance with 17-A M.R.S. §107, sub-§ 1.

D. REPORTING USE OF NONDEADLY FORCE MLEAP 6.03

1. When an officer uses nondeadly 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, which, at a minimum, must include a field for a description of the incident, a field for the description of the type of force used, and a field for a description of the type of First Aid or medical services that were rendered to the person on whom force was applied.
Note: A Tactical Team Member on an active Tactical Team activation who solely points a firearm at a person, but uses no other nondeadly force is not required to submit this Use of Force Report form, provided that the Tactical Team Member prepares a summary report of the incident that captures this information.

a. All applicable areas of the form must be completed, and the form, signed by the officer who used nondeadly force.
b. The form then must be 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, 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 review and approval process discussed above, 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 nondeadly force was used.

e. If, after a report is reviewed administratively (i.e., by the Commanding Officers of the Training Unit and the Office of Professional Standards), a determination is made that the officer who used force engaged in criminal conduct, then the Commanding Officer of the Office of Professional Standards shall notify the Lieutenant Colonel, who in turn shall notify the Colonel.

(1) The Colonel then shall forward the report to either the District Attorney's Office of

jurisdiction or the Office of the Attorney General, and to the Director of the Maine Criminal Justice Academy.

F. USE OF DEADLY FORCE MLEAP 6.01, 6.02

1. A law enforcement officer is justified in using deadly force only when the officer reasonably believes such force is necessary in accordance with 17-A M.R.S. §107, sub-§ 2.
2. *"Except where otherwise expressly provided, 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 17-A M.R.S. §107, sub-§ 2. *See* 17-A M.R.S. §107, sub-§ 5.
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 subsection 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* 17-A M.R.S. §107, sub-§ 5-A.
4. When reasonably feasible, a warning must be given by an officer prior to the application of deadly force by the officer.
5. The use of chokeholds, strangleholds, or techniques that intentionally or knowingly physically compromise the airway or restrict blood flow to the head of a person is **prohibited unless** the use deadly force is justified.

    a. If any such hold or technique is used, then its use must be reported as deadly force incidents to the Investigation Division of the Maine Office of the Attorney General.

G. USE OF FIREARMS MLEAP 6.06

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 or qualifications;

b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where an animal is seriously injured.

(1) When practicable, 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;

c. To test fire a firearm; or
d. To disable an inanimate object, such as, for example, shooting a streetlight to darken an area for the safety of the officer.

2. An officer shall 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. MLEAP 6.09
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.
f. Except for in circumstances involving firearms training or the approved humane euthanization of injured animals, an intentional or unintentional discharge of a firearm by an officer must be documented in a use of force report, unless being investigated by the Attorney General's Office, and an appropriate supervisor must review the incident with respect to policy, training, and legal compliance considerations. MLEAP 6.06

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

A. RESPONSE TO NONDEADLY FORCE INCIDENTS

1. An officer is to notify her or his immediate supervisor, as soon as practicable, if:

a. The officer causes bodily injury lasting beyond the physical arrest;
b. A person complains that bodily injury lasting beyond the physical arrest 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 reporting officer's immediate supervisor is to respond and document any response made to a nondeadly force incident that results in bodily injury that last beyond the physical arrest.

a. The documentation must 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 nondeadly 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 of force used.

3. The immediate supervisor shall notify the Troop OD, or if the Troop OD is unavailable, shall directly 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 notify her or his immediate supervisor, as soon as practicable, if:

a. The officer uses deadly force;
b. The officer's use of either deadly or nondeadly 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 practicable.

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 shall 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 Investigation Division at the Office of the Attorney General;
d. The Major Crimes Unit Officer of the Day;
e. Her or his 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 shall 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; and
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. Arrange 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 shall advise the second officer to be supportive but not to discuss details of the incident;

e. In a case in which the officer used her or his duty weapon, take the officer's duty weapon for laboratory analysis or ensure that the duty weapon is taken by an Evidence Response Technician.

(1) When a duty weapon is taken, the immediate supervisor shall:

(A) Ensure that the custody of the weapon is taken 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, preferably a member of the Maine State Police when possible, notifies the immediate family in person and arranges for their transportation to the officer's location; and

g. Be attentive to 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, or has been involved in a traffic crash that has resulted in the serious injury or death of a person, may be placed on administrative leave or be removed from line duty with pay following the incident until a preliminary administrative review can be conducted. MLEAP 6.08
6. The officer who is placed on administrative leave 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's approval to return the officer 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 publicly 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) No officers, including those involved in the incident, shall 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.

C. RETURN TO DUTY OF AN OFFICER INVOLVED IN A DEADLY FORCE INCIDENT OR AN INCIDENT RESULTING IN SERIOUS BODILY INJURY TO OR THE DEATH OF ANOTHER PERSON

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

a. Accordingly, once an officer who was involved in an incident resulting in serious bodily injury or death or 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 an incident involving serious bodily injury or death or 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 an incident involving serious bodily injury or death or a deadly force incident, the Commanding Officer is to inform the Lieutenant Colonel or the Office of Professional Standards about that concern.
4. Approximately Six to nine months following her or his return to duty, the officer involved in an incident involving serious bodily injury or death or a deadly force incident shall be re-evaluated by a mental health professional selected by the Maine State Police to ensure that the officer remains approved to remain on duty.

    a. If the decision of the mental health professional regarding the officer's approval 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 Operations Division Major shall appoint an Incident Review Team (IRT).
2. The IRT is to consist of at least three (3) Lieutenants, a Chief Law Enforcement Officer of another law enforcement agency, a licensed mental health or substance abuse clinician, 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.

3. With respect to the incident, the IRT is to review the following:

    a. The facts of an incident;
    b. Whether relevant policy was clearly understandable and effective to cover the particular situation;

c. Whether training protocols should be reviewed or revised;
d. Whether equipment or other resources should be modified; and
e. Whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety.

4. In conducting its investigation, the IRT shall abide by any applicable contractual provisions regarding the involved officers' contractual rights.
5. 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.

6. 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.
7. 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, unless the Colonel directs otherwise.
8. The IRT is to issue a written report of the team's findings; however, the team may brief the Central Command Staff 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 Lieutenant 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.

9. The Majors are responsible for ensuring that any follow up work that is necessary to implement the approved IRT's recommendations occurs in a timely manner.

E. ANNUAL USE OF FORCE REPORT MLEAP 6.10

1. An annual Use of Force Report shall be prepared and provided to the Maine State Police Command Staff.

a. At a minimum the report must discuss trends in the use of force by agency personnel, training needs, equipment needs, and policy revisions.

(1) The report is to be analytical and is to provide conclusions about the agency's use of force and about whether any policies need revision, any additional training is needed, and any changes need to be made in equipment or methods of operation or response.

Attachments

- Maine State Police Use of Force Report Template



210104 MSP Use of Force Report Templat

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.