



MAINE STATE POLICE GENERAL ORDER

M-4

SUBJECT: MAINE STATE POLICE POLICY REGARDING RESPONSE TO AND INVESTIGATION OF DOMESTIC VIOLENCE INCIDENTS

EFFECTIVE DATE: 09.24.2021

EXPIRATION CODE: 09.24.2028

RECENT HISTORY: AMENDED (09.24.2021); AMENDED (07.16.2021); AMENDED (02.22.2021); AMENDED (10.27.2020); AMENDED (08.01.2020); AMENDED (02.10.2020); AMENDED (01.01.2019); AMENDED (02.13.2017); AMENDED (08.19.2016); TECHNICAL AMENDMENT (ADDITIONAL DATE INFORMATION IN HEADER CORRECTED)(01.12.2015); TECHNICAL AMENDMENT (DATE INFORMATION IN HEADER CORRECTED)(01.12.2015); UPDATED "MAINE STATE POLICE DOMESTIC VIOLENCE CONTINUATION REPORT" ATTACHED (01.06.2015); AMENDED (01.06.2015); AMENDED (10.17.2014); AMENDED (08.31.2012); AMENDED; ATTACHMENTS ADDED (02.08.2012).

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: S, Z

MLEAP: 7.10

MCJA MINIMUM STANDARDS POLICY 3

SIGNATURE OF COLONEL:

A handwritten signature in blue ink, appearing to read "John Cote", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the agency's response to and investigation of domestic violence (“DV”) incidents. During the course of the investigation if a determination is made that an employee of the Department of Public Safety is involved in a domestic violence incident as a victim or as a suspect, the employee shall receive the same treatment as non-employees.

II. POLICY [MCJA MS 3.1]

1. The Maine State Police recognizes that domestic violence is a serious crime against the individual and society. The policy of the Maine State Police is:
 - A. To affirmatively and expeditiously respond to, investigate, and resolve DV incidents, and to take steps to combine the use of appropriate community services with enforcement of the law to:
 1. Break the cycle of domestic violence that affects many Maine residents;
 2. Protect DV victims and provide them with support; and
 3. Promote officer safety when responding to DV incidents.
 - B. This General Order is written to address emergency responses to spontaneous or actively occurring (in “real time”) domestic violence incidents, which may be interpreted to include a direct report of a sexual abuse crime being committed by one family member against another family member. When responding to such incidents, this policy is to be followed, except to the extent the following considerations apply:
 1. Many complaints of sexual abuse are reported directly to the Department of Health and Human Services, law enforcement, or a prosecuting authority’s office, and those complaints relate to incidents that have already occurred (i.e., the alleged criminal conduct is not happening in “real time”).
 2. Complaints such as these typically are directed by the prosecuting authority’s referral system to a Maine State Police Major Crimes Unit or Field Troop supervisor for assignment and initiation of a more deliberate investigation.
 3. Investigations of such complaints differ from actively occurring domestic violence incidents (i.e., incidents occurring in “real time”) that require emergency response, even though, by definition, complaints relating to past abuse technically fall under the scope of this policy.
 4. Accordingly, when officers investigate such complaints, they have discretion to deviate from this policy to the extent necessary to ensure that a more in-depth, duly-thorough

investigation may be completed with all resources available, including, but not limited to, consultation (when necessary) with the Child Advocacy Center of jurisdiction and with DHHS, and review by and guidance from the office of the prosecuting authority of jurisdiction.

5. Maine State Police officers who are supervising the officers who are conducting the investigations of such complaints shall ensure that the investigations are conducted and completed in a thorough manner.

NOTE: Officers must abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. A violation of these standards may result in action by the Board of Trustees.

II. DEFINITIONS [MCJA MS 3.2]

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. Abuse. "Abuse" means "abuse" as defined at 19-A M.R.S. § 4002(1).
See <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4002.html>

[MCJA MS 3.3]

- B. Adult. "Adult" means "adult" as defined at 19-A M.R.S. § 4002(2).
See <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4002.html>.
- C. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
Confidential communications. "Confidential communications" means "confidential communications" as defined at 16 M.R.S. § 53-B(1)(A-1).
See <http://legislature.maine.gov/legis/statutes/16/title16sec53-B.html>.
- D. Dating partners. "Dating partners" means "dating partners" as defined at 19-A M.R.S. § 4002(3-A).
See <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4002.html>.
- E. Domestic partners. "Domestic partners" means two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
- F. Domestic violence. "Domestic violence" is synonymous with "abuse," as that word is defined in the policy.

Domestic violence advocate. "Domestic violence advocate" means "domestic violence advocate" as defined at 16 M.R.S. § 53-B(1)(A). See <http://legislature.maine.gov/legis/statutes/16/title16sec53-B.html>. [MCJA MS 3.3]

- G. Domestic violence crime. "Domestic violence crime" means any of the following crimes:
1. Domestic violence assault (17-A M.R.S. §207-A);
 2. Domestic violence aggravated assault (17-A M.R.S. § 208-D);
 3. Domestic violence elevated aggravated assault (17-A M.R.S. § 208-E);
 4. Domestic violence elevated aggravated assault on pregnant person;
 5. Domestic violence criminal threatening (17-A M.R.S. §209-A);
 6. Domestic violence terrorizing (17-A M.R.S. §210-B);
 7. Domestic violence stalking (17-A M.R.S. § 210-C);
 8. Domestic violence reckless conduct (17-A M.R.S. §211-A).

[MCJA MS 3.3]

- H. Domestic violence suspect. "Domestic violence suspect" ("DV suspect") means a family or household member who is suspected of or know to have abused another family or household member.
- I. Domestic violence victim. "Domestic violence victim" ("DV victim") means a family or household member who has been abused by another family or household member.
- J. Family or household members. "Family or household members" means "family or household member" as defined at 19-A M.R.S. § 4002(4). See <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4002.html>. [MCJA MS 3.3]
- K. Predominant aggressor (formally known as "primary aggressor"). "Predominant aggressor" means – in circumstances in which two parties have committed some form of abuse toward each other– the person who is more responsible for abuse that has occurred or is occurring, has a history of abuse in a given relationship, and who, in view of available evidence and the totality of the circumstances, represents the more serious present threat of abuse. [MCJA MS 3.3]
- L. Predominant aggressor analysis. "Predominant aggressor analysis" means a method by which an officer can identify a predominant aggressor. [MCJA MS 3.3]
- M. Records management system. "Records management system" means the centralized electronic records management system used by the Maine State Police to maintain investigation-related records (currently the "Spillman" system).

- N. Risk assessment. "Risk assessment" means a procedure whereby one measures some characteristics of a person or situation and then uses that information to predict the likelihood of recurrence of a negative event, for example, the recurrence of abusive behavior. [MCJA MS 3.3]
- O. Self-defense. "Self-defense" means a person is justified in using a reasonable degree of physical force upon another person in order to defend him- or herself or a third party from what he or she believes to be the imminent use of unlawful force. [MCJA MS 3.3]
- P. Strangulation. "Strangulation" means 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. [MCJA MS 3.3]
- Q. Troop Commander. "Troop Commander" means the Commanding Officer of a Maine State Police Troop or Unit, or her or his designee.

IV. PROCEDURE

1. GENERALLY

- A. Officers are responsible for being familiar with Maine laws having relevance regarding the issue of domestic violence, including 15 M.R.S. c. 12-A, 19-A M.R.S. c. 101, and 17-A M.R.S. § 15, as well as the applicable chapters in the Maine Law Enforcement Officer's Manual. [MCJA MS 3.2]

2. MAINE STATE POLICE RESPONSE TO DV INCIDENTS **MLEAP 7.10**

- A. *OFFICER RESPONSIBILITIES* [MCJA MS 3.4, 3.9, 3.10 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.20, 3.21, 3.22]

- 1. In addition to information normally gathered when responding to any other type of incident, an officer responding to a reported DV incident is to try to determine the following through the Regional Communications Center or dispatching agency of jurisdiction:
 - a. Whether the DV suspect is present at the scene and, if not, the suspect's description and possible whereabouts;
 - b. Whether weapons are or were involved in the DV incident;
 - c. Whether any other potential or actual circumstances exist at the scene of the DV incident that present officer-safety issues;
 - d. Whether the DV suspect is under the influence of drugs or alcohol;

- e. Whether there are children present at the scene of the DV incident;
 - f. Whether anyone at the scene of or involved in the DV incident is injured or in need of medical assistance, including, for example, an ambulance;
 - g. Whether a current protective or restraining order is in effect;
 - h. Whether any bail conditions are in effect;
 - i. Whether there is a history of prior DV-related or any other type of complaints at that location of the DV incident; and
 - j. Whether there is any agency or court record, or risk assessment, pertinent to the DV suspect and/or the DV victim.
2. Upon arriving at the scene of a reported DV incident, an officer shall:
- a. Initiate an investigation of the DV incident by identifying her- or himself as a law enforcement officer and requesting entry to a dwelling if that is the scene of the DV incident;
 - (1) If the DV victim is known by the officer to be at the scene, the officer shall ask to see that person.
 - (A) If the person who called the police is someone other than the DV victim, the officer is **not** to reveal that person's name;
 - (2) Upon arrival at the scene of a DV incident involving any person known by the responding officer to be a law enforcement agency employee, the officer shall immediately notify a supervisor of that fact;
 - b. Take necessary and appropriate steps to restore order to and take control of the scene of the DV incident;
 - c. Take custody of all weapons that were used or threatened to be used during the DV incident;
 - d. Assess whether anyone at the scene of the DV incident needs medical assistance;
 - (1) In cases involving non-fatal strangulation, an officer shall call emergency medical services so the

victim can be examined for injury, regardless of whether an injury is visible or is complained about;

See 19-A M.R.S. §4012 (6) (A) & (B)).

- e. Separately interview individuals at the scene of the incident, including, but not limited to, any children, neighbors, and other witnesses;
- f. Process the scene of the incident as a crime scene;
- g. Determine whether the DV suspect has a previous criminal history that includes domestic violence offenses;
- h. Determine the relationship of the parties involved in the incident;
- i. Determine whether the alleged criminal conduct included the use of strangulation, as defined in 17-A M.R.S. Chapter 11, or stalking, as defined at 17-A M.R.S. § 21-C;
- j. Determine whether the suspect has been or is suicidal;
- k. Arrest the DV suspect if there is probable cause to do so.

(1) At a DV incident in which both parties have committed one or more acts of violence toward each other, the predominant aggressor ***must*** be arrested by the officer.

(A) Officers are to consider the arrest of the predominant aggressor the preferred action when evidence indicates that domestic violence has occurred.

(B) To determine which party is the predominant aggressor in a given DV incident, an officer shall consider whether either or both of the parties caused harm to the other party as a result of acting in self-defense (*see 17-A M.R.S. § 15*), and should consider using the "Predominant Aggressor Analysis Decision Tree".

[MCJA MS 3.8]

(2) In the case of an alleged crime involving domestic violence, sexual assault under Chapter 11, or stalking, the arresting officer shall obtain the DV victim's contact information and provide

that information to the jail to which the suspect is delivered.

- (3) In the case of an alleged crime involving domestic violence, sexual assault under Chapter 11, or stalking, a jail shall notify a victim of the suspect's release on preconviction bail as soon as possible, but no later than one (1) hour after the DV suspect's release.

- (A) **However, if the suspect is released on bail before being delivered to a jail, the arresting officer shall notify (or cause notification to be made to) the victim as soon as possible, but no later than one (1) hour after the suspect's release.**

- (B) Notification by an officer must be made by a telephone call either directly to the victim or, in the case of a victim who is a minor, to an adult who is the victim's parent or legal guardian or, if the parent or legal guardian is not available, then either to another immediate family member or —if the officer thinks it is reasonable and prudent to do so —to the victim her- or himself.

- (C) If a jail is not successful in contacting a victim after the jail has exercised due diligence in attempting to do so, the jail shall notify the law enforcement agency that investigated the report of domestic violence, sexual assault, or stalking.

- (1) **That law enforcement agency then shall make reasonable attempts to notify the victim that the suspect has been released on preconviction bail.**

- (4) Per 19-A M.R.S.A. § 4012, an in-custody arrest is mandatory if an officer has probable cause to believe that a violation of a court-approved consent agreement or protection order has occurred, or if an aggravated assault between family or household members has occurred. *See* 19-A M.R.S. §4012 (5) & (6) (D) [MCJA MS 3.9]

- (A) Note: A warrantless arrest may be made if permitted by law. *See* 17-A M.R.S. §15, “Warrantless arrests by a law enforcement officer”. [MCJA MS 3.10]
- (5) Each attempt by an officer to notify a victim of a suspect's release on preconviction bail **shall** be documented by the officer in the records management system;
- h. Collect and record evidence and, where appropriate, take photos of all injuries suffered by any person during the incident, as well as any property damage;
- i. Complete appropriate reports necessary to fully and appropriately document the officer's response to the DV incident.
 - (1) Officers are to document any relevant evidence at the incident scene, any witness statements, any “excited utterances” that were made by any party at the incident, a description of any and all injuries suffered by any person at the scene of the DV incident, and the officer's determination of whether a crime was committed (and, if a crime is determined to have been committed and an arrest is made, then the officer also must document the applicable ATN and CTN numbers).
 - (2) Officers shall complete a validated, evidence-based domestic violence risk assessment form – currently the Ontario Domestic Abuse Risk Assessment (“ODARA”) form – pertaining to the DV suspect.
 - (A) In addition to completing the ODARA form and attaching it to the incident report, officers should document in the report (or in a report supplement) the specific facts and circumstances that support the scoring of each ODARA form item.

NOTE: Currently the ODARA is validated only for use in relation to heterosexual intimate or dating partnerships; the assessment is not yet validated for use in same-sex intimate or dating

- partnerships, or for use in relation to cases involving other types of family or household member relationships.
- (3) Officers ***specifically*** shall document whether the DV incident involved the use of strangulation, as defined in Title 17-A, section 208, subsection 1, paragraph C; and
- j. When applicable, provide relevant information regarding the incident and relevant criminal history information to the bail commissioner.
- (1) Such information shall include:
 - (A) A completed "Bail Commissioner Information Form: Domestic Violence" (attached); and
 - (B) A completed "ODARA Item Summary" form (attached).
 - (2) The information in the ODARA risk assessment form shall be provided to the bail commissioner in person prior to the bail commissioner setting bail, or, when in-person delivery is not practicable, then left at the county jail so the bail commissioner can review the risk assessment prior to setting bail.
 - (3) Officers shall also provide a copy of the completed ODARA risk assessment form to the Office of the District Attorney of jurisdiction.
3. If probable cause does not exist to make an arrest, an officer shall indicate such in her or his report of the incident.
4. If a DV suspect has left the scene of an incident and the officer believes a crime has been committed by that person, the officer shall:
- a. Conduct a search of the immediate area;
 - b. Obtain information from victims and witnesses regarding where the DV suspect might be.
 - (1) To the extent authorized by law, officers are to make a warrantless arrest when a DV suspect is found.
 - (2) In the event a DV suspect is not immediately located, a responding officer shall:

- (A) Contact the regional communications center of jurisdiction to ensure that a temporary arrest warrant is placed in the METRO system under "Maine Wanted," and that a teletype is sent to make local criminal justice agencies aware of the temporary warrant and of other relevant information that may be used to identify the DV suspect.
 - (1) The temporary arrest warrant expires after seventy-two (72) hours, so if after forty-eight (48) hours a suspect is not located and arrested, the officer shall write an affidavit and request an arrest warrant to ensure there is not a period of time where an active warrant is not in place.
 - (B) **However**, if the offense involved is a **felony** (Class A, B, or C crime), the responding officer shall instead request that a temporary felony arrest warrant be entered into NCIC, and issue a teletype to make local criminal justice agencies aware of the temporary warrant and of other relevant information that may be used to identify the DV suspect.
 - (1) The temporary felony arrest warrant expires after forty-eight (48) hours, so if after twenty-four (24) hours, a suspect is not located and arrested, the officer shall write an affidavit and request an arrest warrant to ensure there is not a period of time where an active warrant is not in place.
- 5. In any circumstance in which an officer has reason to believe that a family or household member has been or is being abused, the officer shall immediately use all reasonable means to prevent further abuse.
 - 6. The officer shall assist such DV victims by:

- a. Advising all parties involved about the criminal nature of family violence and the potential escalation of such;
- b. Advising all parties involved that help is available;
- c. Remaining at the scene of a DV incident for as long as the officer reasonably believes that there would be an imminent danger to the safety and well-being of any person if the officer were to leave the scene;
- d. Assisting a DV victim to obtain medical treatment, including, but not limited to, driving the victim to the emergency room of the nearest hospital;
- e. Providing a DV victim with written instructions concerning her or his right to obtain a protection from abuse order and the procedures involved in obtaining such an order;
 - (1) If a DV victim does not speak English, officers are to request interpreter services to ensure the victim is made aware of his or her rights and options to obtain a protection order against an abuser;

See 19-A M.R.S. § 4012(6)(C).

- f. Providing the DV victim with information about local DV victim advocacy groups and services;
 - (1) If a DV victim does not speak English, officers are to request interpreter services to ensure the victim is made aware of local DV victim advocacy groups and services;
- g. Making reasonable attempts to obtain any contact information (for example, telephone numbers, mailing addresses) of the DV victim so that the officer or a victim/witness advocate may follow up with the DV victim to ensure for her or his safety and well-being;
- h. Completing and forwarding by email the attached “Domestic Violence Supplement, Referral Form” (attached) to a Domestic Violence Resource Center (DVRC) proximate to the location of the incident (a document that includes the contact information for DVRCs throughout the State is attached to this policy); and
- i. In circumstances in which it is necessary for a DV victim to temporarily or permanently leave a location where he or she has been living or staying, assisting the

DV victim in locating lodging with family, friends, in public accommodations, or at a DV shelter/safe home.

j. *Retrieval of personal property by a DV victim and a DV suspect*

(1) An officer shall assist a DV victim to safely retrieve personal property from a location owned or controlled by a DV suspect (provided there are no bail conditions or court orders that prohibit the victim from returning to that location) by:

(A) Contacting each party to determine a convenient time for the DV victim to obtain personal property; if possible, at least twenty-four (24) hours' notice must be given to the parties in advance of the retrieval of property;

(B) When possible, meeting with the DV victim -- prior to the property retrieval -- at a neutral location with at least one (1) other officer;

(C) Identifying any language, cultural, or other barriers to assistance and safety, and taking reasonable action to try to mitigate or eradicate those barriers;

(D) Providing referrals – as applicable – to area domestic violence victim-support resource centers, sexual assault victim-support service providers, and culturally-specific domestic violence victim-support organizations;

(E) Determining whether the victim is prohibited from possessing firearms and, if so, not allowing the victim to retrieve firearms or ammunition. When making such a determination, the following steps must be taken:

(1) A Maine SBI check (purpose code F) and a III (“Triple-I”) check on the person must be conducted to learn whether the person is disqualified from owning or possessing a firearm;

- (2) A NICS query must be performed on the person to whom the firearm is to be released to ensure that the firearm is not given to a person who has been flagged in NICS as not eligible to purchase a firearm;
 - (3) The firearm's serial number must be run in the METRO system to verify the firearm is not listed as lost or stolen; and
 - (4) Verification must be made that the firearm does not need to be retained for any ongoing criminal investigation or pending prosecution;
- (F) Helping the DV victim to determine in advance what personal property is to be obtained from the location.
 - (1) Such property should be limited to personal clothing, children's clothing (if applicable), toiletry items, and other reasonable personal belongings;
 - (2) If there is a dispute as to the ownership of one or more items of property, the officer shall explain to the parties that the dispute will need to be resolved by a court of appropriate jurisdiction;
- (G) When applicable, reviewing any court order that exists that details property to be retrieved.
 - (1) The victim may not remove property that is not specifically listed in such an order unless both the victim and the DV suspect mutually agree to such.
 - (2) If any item of property is in dispute and possession of the item is not designated to the victim in the order, the officer shall not allow the victim to remove the property item, and may refer the

victim and DV suspect to the Court that issued the order for resolution of the matter.

- (H) Keeping the DV victim at a safe distance away from the subject location until the officer determines that a DV suspect is not at the location;
 - (1) Once the officer has made this determination, the DV victim may accompany the officer to the location to obtain personal property.
 - (2) If an officer determines that a DV suspect is at the location and is violating any bail conditions or protective order stipulations, the officer shall arrest that person.
 - (3) If an officer determines that a DV suspect is at the location and there is a “no contact” provision in place, the officer shall attempt to have the DV suspect leave the location prior to the victim obtaining personal property;
- (I) Accompanying the victim throughout the entire property retrieval process.
- (2) An officer shall assist a DV suspect to safely retrieve personal property from a location owned or controlled by a DV victim (provided there are no bail conditions or court orders that prohibit the suspect from returning to that location) by:
 - (A) Contacting each party to determine a convenient time for the DV suspect to obtain personal property; if possible, at least twenty-four (24) hours’ notice must be given to the parties in advance of the retrieval of property;
 - (B) When possible, meeting with the DV suspect -- prior to the property retrieval - - at a neutral location with at least two (2) other officers;

- (C) Identifying any language, cultural, or other barriers to assistance and safety, and taking reasonable action to try to mitigate or eradicate those barriers;
- (D) Providing referrals – as applicable – to area domestic violence victim-support resource centers, sexual assault victim-support service providers, and culturally-specific domestic violence victim-support organizations;
- (E) Determining whether the DV suspect is prohibited from possessing firearms and, if so, not allowing the DV suspect to retrieve firearms or ammunition. When making such a determination, the following steps must be taken:
 - (1) A Maine SBI check (purpose code F) and a III (“Triple-I”) check on the person must be conducted to learn whether the person is disqualified from owning or possessing a firearm;
 - (2) A NICS query must be performed on the person to whom the firearm is to be released to ensure that the firearm is not given to a person who has been flagged in NICS as not eligible to purchase a firearm;
 - (3) The firearm’s serial number must be run in the METRO system to verify the firearm is not listed as lost or stolen; and
 - (4) Verification must be made that the firearm does not need to be retained for any ongoing criminal investigation or pending prosecution;
- (F) Helping the DV suspect to determine in advance what personal property is to be obtained from the location.
 - (1) Such property should be limited to personal clothing, children's clothing (if applicable), toiletry

- items, and other reasonable personal belongings;
 - (2) If there is a dispute as to the ownership of one or more items of property, the officer shall explain to the parties that the dispute will need to be resolved by a court of appropriate jurisdiction;
- (G) When applicable, reviewing any court order that exists that details property to be retrieved.
- (1) The DV suspect may not remove property that is not specifically listed such an order unless both the victim and the DV suspect mutually agree to such.
 - (2) If any item of property is in dispute and possession of the item is not designated to the DV suspect in the order, the officer shall not allow the DV suspect to remove the property item, and may refer the victim and DV suspect to the Court that issued the order for resolution of the matter.
- (H) Keeping the DV suspect at a safe distance away from the subject location until the officer determines that a DV victim is not at the location;
- (1) Once the officer has made this determination, the DV suspect may accompany the officer to the location to obtain personal property.
 - (2) If an officer determines that a DV victim is at the location and there is a “no contact” provision in place, the officer shall attempt to have the victim leave the location prior to the DV suspect obtaining personal property;

- (I) Accompanying the DV suspect throughout the entire property retrieval process.

k. *Post-DV incident follow-up*

- (1) An officer who responded to a DV incident shall, as soon as practicable (but in any case, within the forty-eight (48) hours following the incident), meet with the DV victim in order to check on her or his safety and well-being.

- (A) Once he or she has done so, an officer must document in the officer's report that he or she checked on the safety and well-being of the DV victim.

- (2) The officer also shall:

- (A) Ensure that bail conditions and court orders are being adhered to by the DV suspect.

- (1) If violations of an order or of bail conditions are determined by the officer to have occurred, the officer shall arrest the DV suspect after the officer has confirmed that the terms of any such order (and the order itself) and/or the bail conditions, remain in effect;

- (B) Further advise the DV victim of her or his options to obtain a protection from abuse order, and help with obtaining such an order;

- (C) Encourage the use of local family crisis or other support services;

- (D) Collect additional statements and any other information that is relevant to or might further an investigation of a DV incident.

- (1) Such additional information shall be provided by the officer to the district attorney's office of jurisdiction;

- (E) Take follow-up photographs of any injuries the DV victim suffered as a result of the original incident, if necessary and warranted;
 - (1) Such additional information shall be provided by the officer to the district attorney's office of jurisdiction;
- (F) Complete the officer's report using the Maine State Police Domestic Violence Continuation Report, which report must be submitted within five (5) days following the subject DV incident.
- (G) Once the case file has been submitted to the records management system, e-mail a copy of such to each of the Sergeants and the Commander of the Troop to which the officer is assigned.
 - (1) Such additional information shall be provided by the officer to the district attorney's office of jurisdiction;
- (H) Check social media websites and – to the extent possible – other forms of digital technology (cell phone texts, emails, etc., for example) to determine whether any "cyberstalking" or online harassment of the DV victim is occurring.
 - (1) If such conduct is occurring, the officer shall document such in the records management system and provide that information to the district attorney's office of jurisdiction.

Each subsequent follow-up visit with a DV victim must be documented in the records management system, and copies of the additional documentation shall be provided by the officer to the district attorney's office of jurisdiction.

If an officer who responded to a DV incident cannot have a follow-up visit with the DV victim in the timeframe required by this policy, then the officer shall notify her or his supervisor, who shall make alternative arrangements for a follow-up visit to occur in accordance with this policy.

B. SHIFT SUPERVISOR RESPONSIBILITIES

1. When an officer under the supervision of a shift supervisor responds to a DV incident, the shift supervisor shall:
 - a. Ensure that adequate resources are committed to respond to DV incidents reportedly occurring within the jurisdiction over which the supervisor has supervisory responsibilities (for example, ensure that, whenever practicable, a minimum of two (2) law enforcement officers respond to such incidents);
 - b. Ensure that adequate resources are committed to situations in which personal property is being retrieved by a DV victim or DV suspect;
 - c. Ensure that this policy and statutorily mandated arrest provisions are followed;
 - d. Ensure that protection from abuse orders are served expeditiously;
 - e. Ensure that DV suspects and alleged violators of protection from abuse orders are apprehended as expeditiously as possible;
 - f. Ensure that the officer who visited the DV victim to check on the DV victim's safety and well-being, and the primary investigating officer (if different), submits her or his report regarding the DV incident within seventy-two (72) hours following the visit.
 - (1) In any event, all such reports must be completed and submitted for approval within five (5) days following the subject DV incident;
 - g. Ensure that the subject case file is approved within forty-eight (48) hours after receiving a request for such approval from the primary investigating officer;
 - h. Monitor officer responses to requests for the exchange of property between parties who have been involved in a DV incident;
 - i. Ensure that an officer assigned to serve a protective from abuse order requiring the relinquishment of firearms or dangerous weapons either takes possession

of such items or otherwise follows-up to ensure that the items are relinquished pursuant to the order.

- (1) When serving such an order, the officer must be accompanied by at least one other officer.

C. TROOP COMMANDER RESPONSIBILITIES

1. Each Troop Commander shall:

- a. Monitor the activities of the Troop regarding its response to DV incidents to ensure compliance with this policy and applicable law;
- b. Review the computer-assisted dispatch system at least every other day to ensure that calls for service are documented and coded properly;
- c. Ensure that quality investigative reports pertaining to DV incidents are composed in a timely manner;
- d. Act as, or assign, a Troop liaison to each DV victim advocacy agency or community service group that provides services to DV victims within the Troop's jurisdiction, for the purpose of improving communication and cooperation between the Troop and those agencies and groups.

- (1) The Troop Commander shall identify local DV-victim-support services and resources, and develop written information about those services and resources to provide to officers in the Troop.

- e. Arrange with the county sheriffs to ensure that all regional communication centers of jurisdiction are notified when a DV suspect is released on bail from the county jail.

3. PROTECTION FROM ABUSE (“PFA”) ORDERS [MCJA MS 3.9, 3.10, 3.17, 3.18]

A. GENERAL

1. Under Maine law, arrest – with or without a warrant – is mandatory under the circumstances stated at 19-A M.R.S. § 4012(5) and 19-A M.R.S. § 4012(6)(D).
 - a. A warrantless arrest also is authorized by 17-A M.R.S. § 15 if an officer has probable cause to believe a person

has committed or is committing any offense listed in that section of the Maine Criminal Code.

2. Officers shall be familiar with 19-A M.R.S. § 4006, “Hearings” (at <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4006.html>). Officers also shall be familiar with 19-A M.R.S. § 4007, “Relief” (at <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4007.html>).
3. Once a valid and enforceable temporary or permanent protection from abuse order has been issued by a court, and once an officer is aware of the issuance of such an order, the officer shall expeditiously serve, or cause to be served, the order (or an authorized and lawful electronic copy thereof) on the subject of the order (that is, on the defendant named in the order).
4. Officers shall place a high priority on the service of temporary and permanent protection from abuse orders, as well as any orders that modify any such order.
5. A PFA order must be served on the subject of the order by delivering the order (or an authorized and lawful electronic copy thereof) to that person personally.
 - a. If the subject refuses to receive a PFA order, the officer shall leave the order in the immediate presence of the subject and advise the subject of the following:
 - (1) The content of the order;
 - (2) The fact that the subject has been officially served; and
 - (3) The consequences the subject faces if he or she violates the terms of the order.
6. Because proper service of any type of protection order is time-sensitive, an officer shall **not** attempt to serve an order by registered mail.
7. Once an officer has served a PFA order, the officer shall document such service in her or his incident report.
 - a. In so doing, the officer shall describe the circumstances surrounding the service of the order.
 - b. Once an officer has served a PFA order, the officer also shall ensure the service information is promptly entered into the METRO System.

B. VIOLATIONS OF PROTECTION FROM ABUSE ORDERS **MLEAP**
7.10 [MCJA MS 3.18]

1. Officers shall be familiar with 19-A M.R.S. § 4011, which pertains to the violation of protection from abuse orders, as well as 19-A M.R.S. § 4006(6)(pertaining to the service of protection from abuse orders) and 4007(7) & (8)(pertaining respectively to mutual protection from abuse orders and plaintiffs' ability to modify or extinguish a protection from abuse order that has been issued). Reference: <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4006.html>; <http://legislature.maine.gov/legis/statutes/19-A/title19-Asec4007.html>.
 2. An officer shall expeditiously arrest and take into custody without a warrant any person who the officer has probable cause to believe is subject to (that is, is a defendant named in) a protection from abuse order pursuant to the laws of this state and whom the officer has probable cause to believe has violated the criminal terms of the order, even if the violation did not take place in the presence of the officer. NOTE: A protection from abuse order only constrains the defendant named in the order.
- C. FULL FAITH & CREDIT TO BE AFFORDED TO VALID AND ENFORCEABLE FOREIGN PROTECTION ORDERS [MCJA MS 3.19]
1. Officers shall expeditiously enforce valid and enforceable orders of protection or restraint that have been issued by a court of another State.
 - a. Officers shall verify the validity and enforceability of any such order prior to enforcing it.
4. DV INCIDENTS THAT INVOLVE EMPLOYEES OF THE MAINE STATE POLICE OR OTHER LAW ENFORCEMENT AGENCIES [MCJA MS 3.6, 3.7]
- A. The Maine State Police recognizes that it is possible for employees of law enforcement agencies to engage in conduct that can lead to, if not constitute, acts of domestic violence.
 - B. Accordingly, the agency takes a proactive approach when responding to any acts of domestic violence committed by an employee of the Maine State Police or another law enforcement agency.
 - C. Incidents of domestic violence involving employees of the Maine State Police or other law enforcement agencies shall be investigated in accordance with the procedures already stated in this policy, and the following procedures and considerations:

1. *Agency Responsibilities*

- a. In response to observed signs of potential acts of domestic violence, or at the request of a Maine State Police officer or a member of a Maine State Police employee's family, the Maine State Police shall provide non-punitive avenues of assistance to agency employees and their family members to try to prevent such conduct.
 - (1) The Maine State Police shall ensure that confidential referrals to counseling services are able to be made for agency employees, either internally or in collaboration with existing community services that have expertise in domestic violence.
- b. If the Colonel learns that a Maine State Police employee has allegedly engaged in domestic violence (which could include criminal conduct) is a defendant in a temporary or permanent protection from abuse order Court proceeding in any jurisdiction, or has engaged in any other conduct that is reportable to the Maine Criminal Justice Academy pursuant to Maine law, the Colonel shall investigate such, or cause such to be investigated, criminally and administratively, as applicable.
- c. Following an incident of domestic violence allegedly committed by a Maine State Police employee, the Maine State Police shall designate a member of the Command Staff to act as a principal point-of-contact for the victim of the incident, and that member of the Command Staff shall:
 - (1) Keep the victim updated on the matter throughout the administrative and, if applicable, criminal, adjudicative process; and
 - (2) Ensure that statutory confidentiality obligations are maintained.
- d. When responding to a domestic violence incident involving an employee of another law enforcement agency, Maine State Police employees shall follow the same procedures that are to be followed when responding to a domestic violence complaint involving a Maine State Police employee.

- (1) As soon as practicable, the Maine State Police shall provide written notification of the incident to the chief law enforcement officer of the law enforcement agency that employs the DV suspect or DV victim involved in the incident.
- e. In accordance with applicable law, the Colonel shall notify the Director of the Maine Criminal Justice Academy within thirty (30) days after a Maine State Police officer is convicted of a crime or violation of law, or has otherwise engaged in conduct that could result in suspension or revocation of that officer's certification.
 - (1) Such conduct includes, but is not limited to, an officer's arrest as a result of a domestic violence incident or an officer being named as a defendant in a temporary or permanent protection from abuse order Court proceeding.

2. *Maine State Police Supervisor Responsibilities*

- a. Maine State Police supervisors shall be vigilant of and, as appropriate, document, indicators that an employee may be experiencing domestic violence-related problems, including, as examples, an increase in the use of force deployed by an officer during arrests; an employee's apparent or actual abuse of alcohol or drugs; an employee engaging in behavior of a controlling nature, such as stalking or harassment; an employee becoming the subject of complaints made by coworkers or members of the public; inappropriate aggression by an employee toward animals; and an employee sustaining physical injuries while on- or off-duty.
 - (1) Supervisors shall promptly make their ranking supervisors aware of such indicators, and the ranking supervisors, in turn, shall promptly inform the Colonel of the indicators through the Chain-of-Command.
- b. When a Maine State Police employee is arrested in a domestic violence incident, that employee's supervisor shall relieve the employee of any agency-issued

weapons, provided that the weapons can be safely and lawfully retrieved.

- (1) When applicable, the employee's supervisor also shall inquire with the victim about whether the victim wants any weapons removed from the home for safekeeping by the agency; if so, the supervisor shall remove, or cause the removal of, such weapons, so long as such removal can be accomplished safely and lawfully.
- c. If a domestic violence incident involves the Colonel or the chief law enforcement officer of another law enforcement agency, the supervisor shall promptly notify the Commissioner of the Department of Public Safety (in the case of the Colonel), or the State, county, or municipal official having direct supervisory authority over the chief law enforcement officer of the subject other law enforcement agency, about the incident.

3. Responding Maine State Police Officer Responsibilities

- a. Maine State Police officers investigating a domestic violence incident involving an officer of the Maine State Police or another law enforcement agency shall investigate the incident in accordance with all applicable provisions of this policy.
- b. Upon arriving on the scene of a domestic violence incident involving a Maine State Police employee or an employee of another law enforcement agency, the primary responding officer shall immediately notify the public safety answering point or dispatching agency of jurisdiction of that circumstance, and – if the employee is a sworn officer – notify or request notification of a supervisor of higher rank than the officer involved in the incident.
 - (1) That ranking officer should report to the incident scene, if practicable.
- c. Officers responding to such incidents must be aware of the heightened risk that an officer who is a suspect in a domestic violence incident might possess firearms, other weapons, physical combat training, or a combination thereof.

- d. Officers also should be aware that a suspect law enforcement officer might attempt to make emotional appeals to responding officers in order to gain sympathy or special treatment.
 - (1) In such circumstances, the suspect officer must be treated in the same manner as any other DV suspect.
- e. In cases involving a suspect who is an employee of the Maine State Police or another law enforcement agency, responding officers shall respond to the victim in a manner that assures her or him that the case will be investigated and handled thoroughly and professionally, and without regard for the DV suspect's employment by the Maine State Police or other law enforcement agency.
- f. Responding officers shall seek out and preserve secondary sources of information and supplemental evidence to ensure that coercion and tampering are not attempted or committed, and to support the case in the event that the victim becomes noncooperative for safety or other reasons.

4. Law Enforcement Agency Employee Responsibilities

- a. Maine State Police employees are encouraged to seek confidential assistance to prevent behavior from escalating to the level of unlawful conduct against a family or household member.
- b. Maine State Police employees who are aware that domestic violence is being perpetrated by or against a fellow employee shall report such knowledge in a timely manner to their respective supervisors.
 - (1) Failure to do so may subject the non-reporting employee to disciplinary action.
- c. Maine State Police employees shall remain vigilant of possible witness or victim intimidation, coercion, or tampering in relation to domestic violence cases involving an employee of the Maine State Police or another law enforcement agency.
 - (1) Whenever an employee suspects such activity is occurring, the employee shall prepare a written statement, and promptly deliver the statement

(or cause the statement to be delivered) to the investigator in charge of the case.

- d. A Maine State Police employee who is the subject of a criminal investigation, or a temporary or permanent protection from abuse order Court proceeding, shall report such to their immediate supervisor, who, in turn, shall notify the Colonel of such through the Chain-of-Command.

5. REVIEWS FOLLOWING DV INCIDENTS THAT RESULT IN SERIOUS INJURY OR DEATH TO ONE OR MORE INDIVIDUALS [MCJA MS 3.23]

A. If a person is seriously injured or killed by another person either:

- 1. Against whom a temporary or permanent protection from abuse order had been issued, or
- 2. With whom the Maine State Police had any prior official interactions that involved that other person and the seriously injured or killed individual,

then the Colonel shall cause a review of this policy to occur, as well as cause to occur a review of the agency's and officers' compliance therewith.

B. Such reviews shall be conducted in consultation with a domestic violence advocate (as defined at 16 M.R.S. § 53-B(1)(A) and a sworn law enforcement officer designated or trained as a domestic violence investigator

- 1. A report of the review must be created and maintained.
- 2. In any case in which one or more victims are killed, a copy of the report must be forwarded to the Domestic Violence Homicide Review Panel through the Office of the Attorney General.

C. Following such reviews, the Colonel shall take any administrative action he or she deems to be appropriate, including, but not limited to, ordering the enhancement of DV-related training and a revision or amendment of this policy.

6. DISCLOSURE OF INTELLIGENCE AND INVESTIGATIVE RECORD INFORMATION TO DOMESTIC VIOLENCE ADVOCATES [MCJA MS 3.24]

A. Domestic violence advocates may be provided access to intelligence and investigative record information pertaining to incidents of domestic

violence in accordance with 16 M.R.S. § 806(4), this policy, and Maine State Police General Order M-8.

ATTACHMENTS

- [Predominant Aggressor Analysis Decision Tree \(Source: Appendix 3 of MCJA Domestic Violence model policy\)](#)
- [Domestic Violence Report Supplement](#)
- [Maine State Police Domestic Violence Continuation Report](#)
- [Domestic Violence Resource Guide for State Police, By County](#)
- [Bail Commissioner Information Form: Domestic Violence](#)
- [ODARA Item Summary](#)
- [Domestic Violence Referral Form](#)



200923 MSP GO M-4 -ATTACHMENT 5.doc-



200923 MSP GO M-4 ATTACHMENT 4.pdf-



200923 MSP GO M-4 ATTACHMENT 1.pdf-



200923 MSP GO M-4 ATTACHMENT 6.doc-



200924 MSP GO M-4 ATTACHMENT 3 (09-



200924 MSP GO M-4 ATTACHMENT 2 (09.



Maine DVRC Contact List for MSP_FINAL_De



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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.