



## MAINE STATE POLICE GENERAL ORDER

### M-5

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE INVESTIGATION OF BIAS-MOTIVATED INCIDENTS AND PROHIBITING BIAS-BASED POLICING

**EFFECTIVE DATE:** 09.15.2021

**EXPIRATION DATE:** 09.15.2028

**RECENT HISTORY:** AMENDED (09.15.2021); AMENDED (05.25.2021); AMENDED (03.11.2021); AMENDED (08.01.2020); AMENDED (02.21.2020); AMENDED (12.06.2019); AMENDED (08.28.2019); AMENDED (07.11.2018); AMENDMENT 04.13.2017); REVISED (06.05.2015), RESCINDS MSP GO E-96 (06.05.2015); AMENDED (10.17.2014); TECHNICAL AMENDMENT (PT. IV(3)(A)(3) & (4)(11.21.2013); REVISES MSP GO M-5 (04.13.2010); AMENDS MSP GO M-5 (TECHNICAL AMENDMENTS)(12.19.2007); REPLACES G.O. 112 (12.18.2007)

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

**APPLICABILITY CODE:** S, Z

**MLEAP:** 2.01

MCJA MINIMUM STANDARDS POLICY 6, POLICY 13

**SIGNATURE OF COLONEL:**

A handwritten signature in blue ink, appearing to read "John A. Cote".

#### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the investigation of bias-motivated incidents, as well as strictly prohibiting bias-motivated policing by Maine State Police personnel.

## **II. POLICY MLEAP 2.01**

1. The policy of the Maine State Police is –
  - A. To protect the Federal and State constitutional and statutory rights of all individuals without regard to their race, color, ethnicity, sex, gender identity, sexual orientation, religion, ancestry, national origin, physical or mental disability, socioeconomic status, age, or cultural group; and
  - B. To strictly prohibit bias-based policing by Maine State Police personnel.

*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. [MCJA MS 6.12, 13.4]*

## **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. Bias-based policing. "Bias-based policing" means the targeting of an individual for law enforcement action based on that individual's race, color, ethnicity, sex, gender identity, sexual orientation, religion, ancestry, national origin, physical or mental disability, socioeconomic status, age, or cultural group. The term "bias-based profiling" is synonymous with the term "bias-based policing." [MCJA MS 6.5, 13.2]
  - B. Bias-motivated incident. "Bias-motivated incident" means an incident involving unlawful conduct that is known or suspected to have been motivated in whole or in part by bias against an individual based on that individual's race, color, ethnicity, sex, gender identity, sexual orientation, religion, ancestry, national origin, physical or mental disability, socioeconomic status, age, or cultural group. The term "bias crime" is synonymous with the term "bias-motivated incident." [MCJA MS 6.4]
  - C. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - D. Maine State Police Civil Rights Officer. "Maine State Police Civil Rights Officer" means a member of the Maine State Police who has received special training and certification from the Office of the Attorney General in identifying and investigating civil rights laws violations.

## **IV. PROCEDURE**

1. GENERALLY

- A. The Maine State Police shall give high priority to investigating bias-motivated incidents. [MCJA MS 6.1]
- B. When responding to a complaint of a bias-motivated incident, the Maine State Police shall duly investigate the incident in accordance with this policy and all other applicable laws and policies.
- C. Each sworn Maine State Police officer shall review and become generally familiar with the following statutes:
  - 1. [5 M.R.S. c. 337-B](#), the "Maine Civil Rights Act" ("MCRA");
  - 2. [17 M.R.S. c. 93-C](#), "Interference with Constitutional and Civil Rights"; and
  - 3. [17-A M.R.S. c. 47](#), "General Sentencing Provisions."

[MCJA MS 6.3]

2. DESIGNATION OF MAINE STATE POLICE CIVIL RIGHTS OFFICERS  
[MCJA MS 6.10, 6.11]

- A. The Colonel shall designate – and, upon request, publicly identify – Maine State Police Civil Rights Officers.
- B. A Maine State Police Civil Rights Officer who is a sworn officer may assume control of an investigation of an alleged bias-motivated incident.
- C. Maine State Police Civil Rights Officers are to be familiar with the Maine Civil Rights Act in order to be able to provide general information and guidance about the law to Maine State Police personnel.

3. RESPONSE TO REPORTS OF ALLEGED BIAS-MOTIVATED INCIDENTS

- A. Officers shall respond to and investigate alleged bias-motivated incidents as soon as practicable, and, when applicable, shall gather as much information about the incidents from the regional communications center of jurisdiction dispatching them to the incidents. [MCJA MS 6.6]

4. INVESTIGATION OF BIAS-MOTIVATED INCIDENTS [MCJA MS 6.7, 6.8, 6.9]

- A. When a Maine State Police officer responding to an incident determines that the incident is a bias-motivated incident, the officer shall duly investigate the incident, as well as promptly notify her or his supervisor and a Maine State Police Civil Rights Officer about the incident.

1. That officer's supervisor shall confer with the responding officer and assist in ensuring that the incident is duly investigated as a bias-motivated incident.
2. The officer's supervisor also shall confer with the Maine State Police Civil Rights Officer who was notified by the responding officer and shall notify the District Attorney's Office of jurisdiction and the Office of the Attorney General, Division of Investigations of the incident.

B. An officer investigating a bias-motivated incident shall:

1. Ensure that the incident scene is properly preserved and processed.
  - a. If property has been damaged by the posting of content of an inflammatory nature, then the owner of the property shall be contacted and asked to remove, or cause the removal of, such content as soon as possible.
    - (1) The officer later shall follow-up with the property owner to determine whether the inflammatory content was removed.
2. Conduct interviews of all individuals who were involved in the incident.
  - a. The investigating officer may contact other members of the community who might have information relevant to the investigation;
3. Notify other appropriate personnel in the Chain-of-Command;
4. When applicable, work with and provide information and reports about the incident to the Office of the Attorney General, Division of Investigations;
5. When applicable, work with the Office of the District Attorney of jurisdiction to ensure that a legally sound case is developed for criminal prosecution.

D. A Maine State Police Civil Rights Officer who is a sworn officer may take the lead role in providing on-going assistance to the victim of a bias-motivated incident, including, but not limited to:

1. Contacting the victim periodically to check on her or his well-being;
2. Providing information to the victim about the status of the agency's investigation.

5. **BIAS-BASED POLICING** **STRICTLY PROHIBITED** [MCJA MS 6.2, 13.1]

A. **Maine State Police personnel SHALL NOT engage in bias-based policing.**

1. Maine State Police officers only shall stop and detain individuals when legal authority exists to do so.
2. Maine State Police officers only shall take law enforcement action against individuals when legal authority exists to do so.
3. Maine State Police officers shall base law enforcement actions solely on individuals' conduct and behavior.
4. Maine State Police officers shall not stop, detain, search, or make efforts to seize assets for forfeiture based on individuals' race, color, ethnicity, sex, gender identity, sexual orientation, religion, ancestry, national origin, physical or mental disability, socioeconomic status, age, or cultural group.

a. **ANY SUCH DISCRIMINATORY PRACTICE IS STRICTLY PROHIBITED BY THE MAINE STATE POLICE.**

- B. Complaints of bias-based policing and any other such discriminatory practices by Maine State Police personnel must be **promptly** referred to the Office of Professional Standards and investigated by that office in accordance with [Maine State Police General Order M-7. Such complaints also must be promptly reported to the Maine Office of the Attorney General.](#) [MCJA MS 13.3]
- C. The Office of Professional Standards shall conduct an annual review of bias-based policing incidents and complaints.

1. The annual review of all incidents and complaints of bias-based policing must be documented in a report and submitted to the Colonel for review. **MLEAP 2.01**

**ATTACHMENT**

**Designated Maine State Police Civil Rights Officers**

- CPL Adam Schmidt: <[Adam.Schmidt@maine.gov](mailto:Adam.Schmidt@maine.gov)>
- CPL Derrick G. Record: <[Derrick.G.Record@Maine.Gov](mailto:Derrick.G.Record@Maine.Gov)>
- DET Lauren A. Edstrom: <[Lauren.A.Edstrom@Maine.Gov](mailto:Lauren.A.Edstrom@Maine.Gov)>
- LT David W. Tripp: <[David.W.Tripp@maine.gov](mailto:David.W.Tripp@maine.gov)>
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- SGT Angela B. Kooistra: <[angela.b.kooistra@maine.gov](mailto:angela.b.kooistra@maine.gov)>
- SGT Chadwick H. Fuller: <[Chadwick.H.Fuller@Maine.Gov](mailto:Chadwick.H.Fuller@Maine.Gov)>

- SGT Christopher P. Farley: <[Christopher.P.Farley@maine.gov](mailto:Christopher.P.Farley@maine.gov)>
  - SGT Jason T. Sattler: <[Jason.T.Sattler@Maine.Gov](mailto:Jason.T.Sattler@Maine.Gov)>
  - SGT Kristopher C. Kennedy: <[Kristopher.C.Kennedy@maine.gov](mailto:Kristopher.C.Kennedy@maine.gov)>
  - TPR Jillian Monahan: <[Jillian.M.Monahan@maine.gov](mailto:Jillian.M.Monahan@maine.gov)>
  - TPR Justin Huntley: <[Justin.Huntley@maine.gov](mailto:Justin.Huntley@maine.gov)>
  - Christopher Parr: <[Christopher.Parr@maine.gov](mailto:Christopher.Parr@maine.gov)>
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- MAINE OFFICE OF THE ATTORNEY GENERAL PROTOCOL FOR BIAS-BASED PROFILING COMPLAINTS
  - OFFICE OF THE ATTORNEY GENERAL BIAS-BASED PROFILING COMPLAINT FORM

### **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.**