Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 1

USE OF PHYSICAL FORCE POLICY

Date Board Adopted: 07/31/2020 Effective Date: 11/01/2020

The agency must have a written policy to address the Use of Physical Force, to include, at a minimum, provisions for the following:

1. A policy statement that makes clear the agency's position on what an officer's responsibility is to the agency and the public when an officer makes a decision to use any form of physical force. This includes the use of an electronic weapon and less-than-lethal munitions, if applicable. At a minimum, the policy statement shall include language that reflects the following:
   a. This agency recognizes and respects the value and special integrity of each human life.
   b. In vesting officers of this agency with the lawful authority to use physical force to protect the public welfare, a careful balancing of all human interests is required.
   c. That an officer may use only that physical force that the officer reasonably and actually believes is necessary to effectively bring an incident under control while protecting the officer or another, including the use of an electronic weapon and less-than-lethal munitions, if applicable.
   d. That officers be familiar with the applicable laws and guidelines, as outlined in 17-A M.R.S. §106(6), §107, §108, and §110, and Chapter 2 of the Maine Law Enforcement Officer's Manual (L.E.O.M.), which incorporates applicable case law.

2. The following definitions shall be incorporated into the policy with the exception of weapons, devices or tools that are not assigned for use by any officers in the agency. (Some of the definitions are in statute while others are important to an officer in determining the correct course of action to take in deciding if the application of force is prudent and necessary in a given situation.)
   a. Actual Belief: A subjective state of mind in which the actor holds a genuine or honest conviction.
   b. Bodily Injury: Physical pain, physical illness or any impairment of physical condition (17-A M.R.S. §2(5)).
   c. Canine (K-9): A department authorized dog, the training and certification of which has included handler protection and suspect apprehension. This is considered the use of non-deadly force (17-A M.R.S. §101(5)).

d. Chemical Agents or OC: 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 disabling effect upon human beings. Incapacitating agents are designed to produce temporary physiological or mental effects, or both, which will render individuals incapable of concerted effort. Chemical Agents can be in the form of a liquid, gas or powder. This is considered the use of non-deadly force (17-A M.R.S. § 101(5)).

e. Command Presence: The ability to speak clearly and authoritatively, issuing concise commands using a tone that reflects control and professionalism.

f. Compliance Techniques: The methods of arrest, restraint, and control that include manipulation of joints, pressure point applications and take-down techniques to control an aggressive offender.

g. Deadly Force: Physical force, which a person uses with the intent of causing, or which the person knows to create a substantial risk of causing, death or serious bodily injury. Except as provided in 17-A M.R.S. §101(5), intentionally, knowingly, or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force. (17-A M.R.S. §2(8))

h. De-escalation: the use of verbal or non-verbal actions and tactics, whenever feasible and possible, preceding a potential force encounter. This may include, but is not limited to, the use of distance, cover, tactical re-positioning, and communication in order to stabilize the situation, reduce immediacy of the threat, and allow for more time and options for resolution. The goal of these tactics is to slow down the 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 to use additional force.

i. Electronic Weapon: A portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to have a disabling affect upon human beings. (The use of an electronic weapon is considered to be the use of non-deadly force).

j. Excessive Force: Physical force that is unreasonable or unnecessary or inappropriate for the particular circumstances. Determining whether the application of physical force was reasonable and appropriate requires consideration of the severity of the crime, the nature and extent of the threat posed by the suspect, the degree to which the suspect resists arrest or detention, and any attempts by the suspect to evade arrest by flight. Facts or circumstances unknown to the officer may not be considered later determining whether the force was justified. *Graham V. Connor, 490 U.S.386.*

k. Excited Delirium Syndrome (ExDS): 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.

l. Firearm: Any weapon whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shotgun. Any weapon that can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm. (17-A M.R.S.§2(12-A)).

m. Imminent: Impending, immediate or appearing as if about to happen.

n. Impact Weapon: A device or weapon designed for use by an officer in close quarter physical defense of the officer or another and/or control of an aggressive offender. Examples of an impact tool are: a straight baton, a side-handle baton, a collapsible baton, a flashlight, or other similar device.

o. Individual Actions: As a part of the Situational Use of Force assessment process, the categories below can be used to describe an individual subject's behavior:

- **Cooperative**: Compliant and willing to obey, posing minimal threat to the officer(s) or others.
- **Resistive (Passive):** Non-compliance, defiance or failure to cooperate with lawful verbal direction, but offering no resistive or evasive bodily movement to prevent the 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.).
- **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. Verbal statements, defiance and belligerence alone do not constitute active resistance.
- **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.
- **Assaultive (High Risk):** An overt act of an assault, or highly agitated or combative actions or behavior posing an imminent threat of injury to the officer or another. Such actions may include, but are not limited to hostile physical or active resistance, kicking, punching or spitting, whether an assault occurs or not.
- **Life Threatening:** Actions or behavior that could cause death or serious bodily injury, potentially justifying the use of deadly force.

p. Less Lethal Force: 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 chemical agents, electronic weapon, noise/flash diversionary device, or impact projectiles such as those fired by a Pepper Ball launcher, 40mm launcher, etc.

q. Less Lethal Grenade: A weapon designed to expel projectiles, including chemical agents and smoke. This is considered the use of non-deadly force (17-A M.R.S. §101(5)).

r. Less-than-Lethal Munitions: A low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy that has been designed to have a disabling effect upon

human beings. The use of a less-than-lethal munitions weapon is considered to be the use of non-deadly force. (17-A M.R.S. §101(5))

s. Non-deadly Force: Any physical force which is not deadly force. (17-A M.R.S. §2(18))

t. Officer Presence: The presence of a law enforcement officer who is willing and able to handle a situation.

u. Officer Response Options: 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.

v. Physical Force**:** 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.

w. Reasonable Belief: When facts or circumstances provided to or known to the law enforcement officer are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

x. Serious Bodily Injury: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health. (17-A M.R.S. §2(23))

y. Situational Use-of-Force Options: A dynamic process by which an officer assesses, plans, and responds to situations that threaten public and officer safety and requires the use of force and control. The process includes an assessment of the situation and circumstances immediately confronting the officer, including but not limited to the severity of the crime or suspected offense, the level and imminence of any threat to the officer(s) or public, the level of resistance, the risk or 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. Based on this assessment, 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 bringing the situation under control.

z**.** Weapon of Availability: Flashlights, vehicles, tools, implements, objects or other devices that are not necessarily issued, intended or normally authorized as weapons, but that *may* be used in extraordinary circumstances when their use would be justifiable and no other adequate or suitable defensive tool is immediately available.

3. Statement of conditions as to when an officer is justified in using deadly force.

4. Statement that when feasible, a warning must be given prior to the application of deadly force.

5. Statement that the use of chokeholds, strangleholds, or techniques that physically compromise the airway or blood flow to the head of a suspect are prohibited unless the use

of deadly force is justified, and that the use of these techniques are subject to the deadly force reporting requirement to the Investigation Division of the Maine Attorney General's Office.

6. Statement that discharging a firearm at a moving vehicle is prohibited unless deadly force is authorized.

7. Statement of conditions as to when an officer is justified in using non-deadly force.

8. Statement regarding the use of de-escalation when feasible, and that excessive force may never be used.

9. Statement that an officer who witnesses another officer using what he/she reasonably believes to be an unreasonable and/or unnecessary use of force, that is in itself a substantial deviation from known standards of law enforcement training, has a duty to intervene to protect the safety and the rights of the subject involved. Any officer who witnesses use of force that they believe to be unreasonable, unnecessary or a substantial deviation from known standards of law enforcement training, shall report their observations to their supervisor as soon as practicable, and to include later documentation in writing.

10. Statement of the requirement of an officer to monitor an individual in the officer's custody for evidence of injury or medical distress.

11. Statement of the requirement of an officer to request Emergency Medical Services (EMS) response any time an individual in custody:
    a) requests medical aid following a use of force,
    b) requests medical aid for an injury,
    c) displays signs or symptoms of medical distress, including but not limited to those associated with drug or alcohol overdose, excited delirium, or positional asphyxia **and to immediately render appropriate medical aid**;
    d) does not appear to properly recover following the use of less lethal force and, or
    e) displays signs or symptoms of serious bodily injury.

12. Statement of the requirement to offer medical aid for minor injuries to an individual in custody, unless such aid is knowingly refused by the arrestee and documented in a report.

13. Develop procedures for reporting, reviewing and when necessary, investigating within the agency, any incident of non-deadly force by any sworn member of the agency, which at a minimum shall include the following:
    a. All uses of physical force shall be reported in writing on a separate use of physical force report. The Use-of-Physical Force report shall include a description of the incident, the particular application of physical force, and any first-aid or medical services rendered.
    b. The supervisor will forward the use of force report and any additional information to the agency's administration for review.

c. After a report is reviewed administratively, if it is determined that the officer engaged in criminal conduct, the CLEO will forward the report to the Office of the District Attorney or the Office of the Attorney General and the Director of the Maine Criminal Justice Academy.

14. In the case of the use of deadly force, to include any of the six mandatory reporting circumstances as identified in the Office of the Attorney General's Protocol for the Reporting and Investigation of the Use of Deadly Force, the agency shall develop a procedure for reporting and investigation that complies with the Protocol. The procedure shall include at a minimum the following:
    a. Notify the Office of Attorney General as soon as possible.
    b. If death occurs, notify the Office of Chief Medical Examiner as soon as possible.
    c. If the physical force applied in a particular situation was deadly force, the CLEO of the agency involved shall convene an Incident Review Team consisting of members appointed by the CLEO. Members appointed shall include at least one member who is a commissioned officer of the Maine State Police, at least one member of the public who is not and has not previously served as a sworn law enforcement officer, at least one member who is a CLEO from an outside agency, and one member who is a licensed mental health or substance abuse clinician.
    d. The incident review team shall review the use of deadly force to determine the following:
        1. The facts of an incident.
        2. Whether relevant policy was clearly understandable and effective to cover the particular situation.
        3. Whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety.
        4. Whether training protocols should be reviewed or revised.
        5. Whether equipment or other resources should be modified.
        6. In conducting its investigation, the incident review team shall abide by any applicable contractual provisions regarding officers' contractual rights.

    e. The incident review team shall generate a written report of its finding. That report is public as provided under 5 M.R.S. §7070-A, 30-A M.R.S. §503(1)(A) and 30-A M.R.S. §2702(1)(A). However, the team may brief the CLEO, or designee, on the team's work at any time before the final written report is issued.

15. In cases of Use of Deadly Force, the agency shall develop incident procedures for dealing with officers involved in the use of deadly force, including but not limited to on-scene responsibilities, administrative leave considerations, and critical stress management options.

16. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 2

POLICE PURSUIT POLICY

Date Board Adopted: 07/15/2016 Effective Date: 01/01/2017

The agency must have a written policy to address Police Pursuits, to include, at a minimum, provisions for the following:

1. A policy statement regarding the agency's overall philosophy toward conducting vehicular pursuits.

2. Officers are responsible for being familiar with the applicable statutes in 15 M.R.S., 17-A M.R.S., 29-A M.R.S. and 30-A M.R.S., including the permissible use of deadly force, as outlined in 17-A M.R.S. §107, and pertinent chapters of the Maine Law Enforcement Officer's Manual.

3. Define pursuit and other definitions.

4. Only officers who have completed the Maine Criminal Justice Academy Emergency Vehicle Operations Course or have received a waiver for equivalent training may become actively involved in a pursuit.

5. Conditions that an officer should take into consideration when determining whether to pursue or continue a pursuit, including any prohibitions.

6. Reasons to discontinue a pursuit.

7. Primary pursuing officer's responsibilities.

8. Secondary pursuing officer's responsibilities.

9. Supervisor's responsibilities.

10. Police communications officer's responsibilities, if applicable.

11. Number of pursuit vehicles allowed to pursue and unmarked pursuit vehicle operator responsibilities.

12. Allowable termination techniques, including a description of each, when each may be used, and who must authorize their use.

13. Criteria when pursuit across state boundaries is permissible as outlined in the Uniformed Act on Fresh Pursuit (15 M.R.S. §151-155).

14. Procedure for reviewing a pursuit that results in property damage, bodily injury or death.

15. Requirement that the Maine Motor Vehicle Pursuit Report be submitted by the primary pursuing agency, to the Maine State Police Traffic Division for each vehicular pursuit.

16. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

    Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 3

DOMESTIC VIOLENCE POLICY

Date Board Adopted: 03/08/2019 Effective Date: 11/01/2019

The agency must have a written policy to address Domestic Violence, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes domestic violence as a serious crime against the individual and society.

2. Officers are responsible for being familiar with the applicable statutes in 15 M.R.S. Chapter 12A; 19-A M.R.S. Chapter 101; 17-A M.R.S.§15 and the applicable chapters in the Maine Law Enforcement Officer's Manual.

3. Definitions of abuse, predominant aggressor, predominant aggressor analysis, self-defense, domestic violence crimes, family or household members, risk assessment, strangulation and domestic violence advocate.

4. Emergency Communication Specialist (ECS) procedures regarding the receipt and response to a complaint. These procedures must include: receipt and prioritization of the call; information to be elicited from the caller; exigencies of situation; "excited utterances;" consulting agency and available court records pertinent to either party; and possibility of a back-up unit. (19-A M.R.S. §4012 (2)).

5. Complaint response procedure must include: receipt of the call; tactical approach to the call; initial contact; situation control process, on-scene investigation and enforcement action; and post-incident follow-up with the victim.

6. Agency responsibilities and procedures when a complaint involves a law enforcement officer, a family member of a law enforcement officer or any employee of a law enforcement agency. This must include an investigative follow-up and review by the administration that is consistent with these standards.

7. Agency responsibilities and procedures when any member of the law enforcement agency shows signs of experiencing or perpetrating domestic violence. This must include an investigative follow-up and review by the administration that is consistent with these standards.

8. Responsibility of an officer to determine who may be the predominant aggressor by investigating for probable cause, self-defense, and/or other factors, and take the appropriate enforcement action against that person.

9. Circumstances under which arrest is mandatory. (19-A M.R.S. §4012 (5) & (6) (D)).

10. Circumstances under which a warrantless arrest may occur (17-A M.R.S. §15).

11. Procedures for the administration of a validated, evidence based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, such as the Ontario Domestic Assault Risk Assessment (ODARA) and the conveyance of the results of that assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the domestic violence occurred. (25 M.R.S. §2803-B (1) (5)).

12. Responsibilities of an officer when an arrest is not authorized.

13. Responsibility of a responding officer to remain at the scene to protect the safety of persons in danger and to obtain medical assistance, if necessary. (19-A M.R.S. §4012 (6) (A) & (B)).

14. Responsibility of an officer to provide written instructions to a victim concerning the victim's right to obtain a Protection From Abuse Order and the procedures involved. This must include a mechanism for language access services if the victim is limited English proficient. (19-A M.R.S. §4012 (6) (C)).

15. Responsibility of an officer to provide the victim with information about the local domestic violence resource center and/or relevant culturally specific domestic violence organization.

16. A reporting process for detailed documentation of the incident and any charges. This report must include ATN/CTN numbers.

17. Procedures to ensure expeditious service of both temporary and permanent Protection From Abuse Orders issued under 19-A M.R.S. §4006 and §4007. (25 M.R.S. §2803-B (1-D)(4)). This includes entering service information into the METRO system without unnecessary delay.

18. Recognition that a person who obtains a Protection From Abuse Order cannot violate the order regardless of any action taken by that person; a Protection From Abuse Order only constrains the defendant. (19-A M.R.S. §4001 (6) & §4007 (7) & (8)).

19. Must enforce validated Protection From Abuse Orders from other states and tribal courts under the authority of the federal Full Faith and Credit Clause.

20. Procedures to ensure that a victim receives notification of the defendant's release on bail. (25 M.R.S. §2803-B (1) (D) & 17-A M.R.S §1175-A).

21. Procedures for the collection of information regarding the defendant that includes the defendant's previous history of domestic violence, the parties' relationship, whether the commission of a crime included the use of strangulation as defined in 17-A M.R.S. §208(1) (C), sexual assault offenses as defined in 17-A Chapter 11 offenses, stalking as defined in 17-A M.R.S. §21-C, current or past suicidality of the defendant, the name of the victim, and a process to relay this information to a bail commissioner before a bail determination is made. (25 M.R.S. §2803-B (1) (2)).

22. Procedures for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval, and providing the option of at least 24 hours' notice to each party prior to the retrieval. (25 M.R.S. §2803-B (1) (3)).

23. Requirement that an agency review its compliance with all applicable provisions of this policy in the event that a victim of domestic violence who resided in the agency's jurisdiction is killed or seriously injured during the time that any temporary or permanent Protection From Abuse Order (PFA) was in effect or if there had been past agency involvement related to interactions between the perpetrator and the victim. The review shall be conducted in consultation with a domestic violence advocate as defined in 16 M.R.S. §53-B(1)(A) and a sworn law enforcement officer designated or trained as a domestic violence investigator. A report of such review must be kept on file by the agency. In any case where one or more victims are killed, a copy of the report shall be forwarded to the Domestic Violence Homicide Review Panel through the Office of the Attorney General.

24. A provision that any agency, as permitted by 16 M.R.S. §804(4) and subject to the conditions of that section may provide a copy of the incident report or intelligence or investigative information to a domestic violence advocate as defined in 16 M.R.S. §53-B(1).

25. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

    Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 4

HOSTAGE OR BARRICADED SUBJECT INCIDENT POLICY

Date Board Adopted: 09/14/2018 Effective Date: 09/14/2018

The agency must have a written policy to address Hostage or Barricaded Subject Incidents, to include, at a minimum, provisions for the following:

1. A policy statement to establish guidelines for the response to and control of a hostage or barricaded subject incident, including priority of life considerations.

2. Officers are responsible for being familiar with the applicable statutes, particularly 17-A M.R.S. §15, and pertinent chapters of the Maine Law Enforcement Officer's Manual.

3. Definitions of hostage incident, barricaded criminal suspect incident and barricaded subject incident.

4. First responding officer's responsibilities.

5. Supervising officer's responsibilities.

6. Procedures for establishing command and control.

7. Incident commander's responsibilities.

8. Procedures for determining whether specialized units will be requested, e.g., tactical team, fire/EMS, negotiators, etc.

9. Established procedures for the following:
   a. Communications with other agencies.
   b. Establishment of inner and outer perimeters.
   c. Evacuation of personnel in affected area.
   d. Establishment of central command post and appropriate chain of command.
   e. Request for support services.
   f. Establishment of a staging area.
   g. Establishment of a media briefing area.
   h. Gathering of intelligence.
   i. Request for specialized equipment, e.g., night vision goggles, etc.
   j. Procedures for after action review.

10. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 5

RESPONSE TO MENTAL ILLNESS, INVOLUNTARY COMMITMENT & PROTECTION FROM SUBSTANTIAL THREATS POLICY

Date Board Adopted: 03/13/2020 Effective Date: TBA

The agency must have a written policy to address Response to Mental Illness & Involuntary Commitment, to include, at a minimum, provisions for the following:

1. Policy and purpose statements that provide guidance for members of the agency on the options and resources available to assist individuals who appear to be mentally ill and/or experiencing a mental health crisis. The policy shall satisfy the requirements of 25-M.R.S. § 2803-B, (1-C) "Deviant Behavior," (1-L) "Response to Mental Illness and Involuntary Commitment," and 34-B M.R.S. §3862-A. It shall also include appropriate procedures for agency members to follow for placing individuals in protective custody, the process for involuntary commitment, and the process for restricting access to dangerous weapons. The policy shall include current copies of the MH-100 Form, the State of Maine Protective Custody Intake Form, and any forms required for restricting access to dangerous weapons as appendices to this policy.

2. The policy shall include, but not be limited to, the following definitions:
   a. Advanced Healthcare Directive: An individual instruction from, or a power of attorney for health care by, an individual with capacity for use when the person appears to lack capacity.
   b. Crisis Intervention Officer (CIO): An officer specifically trained in the identification, handling and disposition of individuals exhibiting signs of mental health crisis.
   c. Crisis Intervention Team (CIT): A group of individuals, including officers specifically, trained in the identification, handling and disposition of individuals exhibiting signs of mental health crisis.
   d. Dangerous Weapon (or Weapon): Has the same meaning as in 17-A M.R.S, §2(9)(C), including a firearm as defined in 17-A M.R.S.§2(12-A).
   e. Involuntary Commitment (Blue Paper Process): Three-step process by which:
      1. Any person (friend, relative, social services worker, law enforcement officer, etc.) applies for admission of an individual to a hospital qualified to provide mental health services,
      2. A clinician evaluates the individual, usually at a local hospital, and
      3. If the clinician certifies that the individual is mentally ill and poses a likelihood of harm, a judicial officer reviews and, as appropriate, endorses the paperwork reflecting the first two steps.

   These three steps are reflected on sections 1, 2, and 3 of the "blue paper,"

Application for Emergency Involuntary Admission to a Mental Hospital, MH-100 Form.

f. Least Restrictive Form of Transportation: The vehicle used for transportation and any restraining devices that may be used during transportation that impose the least amount of restriction, taking into consideration the stigmatizing impact upon the individual being transported.

g. Likelihood of Foreseeable Harm: Means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

h. Mental Health Crisis: Behavior – such as loss of contact with reality, extreme agitation, severe depression, imminent suicidal or homicidal statements or actions, or inability to control actions – that creates a threat of imminent and substantial physical harm to the person experiencing the behavior or to others and that appears to be of sufficient severity to require professional evaluation.

i. Probable Cause: Basis of a law enforcement officer's judgment about appropriateness of protective custody. This judgment must reflect the totality of the circumstances, following the applicable standards of the Law Enforcement Officer's Manual, Chapter 1, and including:

1. Personal observation.
2. Reliable information from third parties, as long as the officer has confirmed that the third party has reason to believe, based upon recent personal observations or conversations with the person who seems to be experiencing a mental health crisis, that the person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm; and
3. History, if known, of the person who seems to be experiencing a mental health crisis.

j. Protective Custody: Custody taken by a law enforcement officer EITHER when that officer has probable cause to believe that a person may be mentally ill and due to that condition the person presents a threat of imminent and substantial physical harm to that person or to other persons OR when the law enforcement officer knows that a person has an advance healthcare directive authorizing mental health treatment and the officer has probable cause to believe that the person lacks capacity.

k. Restricted Person: A person taken into protective custody by a law enforcement officer who the officer has probable cause to believe possesses or controls or may acquire a dangerous weapon and who is found by a medical practitioner to present a likelihood of foreseeable harm.

l. Threat-based Restriction: A prohibition on a restricted person from purchasing, possessing, or controlling or attempting to purchase, possess or control a dangerous weapon during the period of the restriction.

m. Threat of Imminent and Substantial Physical Harm: A reasonably foreseeable risk of harm to someone, taking into consideration the immediacy of the potential harm, the seriousness of the potential harm, and the likelihood that harm will occur. Harm threatened may include:
   1. Suicide or serious self-injury.
   2. Violent behavior or placing others in reasonable fear of serious physical harm; and
   3. Reasonable certainty of severe impairment or injury because a person is unable to avoid harm or protect himself or herself from harm.

3 The policy shall have a requirement that officers from this agency be familiar with 34-B M.R.S. §3862 on Protective Custody and that officer will assess the situation and determine if the person appears to be experiencing a mental health crisis.

4. The policy shall include procedures for directing the responding officer to assess public safety; to provide options for the officer to effectively and safely respond to a situation to include, the involuntary commitment "blue paper process", and access to CIT, CIO or DHHS State Crisis Service, if appropriate.

5. The policy shall have a requirement that officers from this agency be familiar with 34-B M.R.S. §3862-A on Protection From Substantial Threats and the triggering of the statute after a person has been taken into protective custody, probable cause exists to believe the person has access or will gain access to dangerous weapons, and a medical practitioner finds that the person presents a likelihood of foreseeable harm.

6. This policy shall include procedures for the officer that if the officer determines that protective custody is not appropriate, the officer may refer the person to a medical or mental health practitioner, or for other services; leave the person in the care of friends, relatives or service providers; or take other steps necessary to maintain public safety. Referral resources include:
   a. Local mental health agencies – with contact information
   b. Local hospital with voluntary inpatient capacity – with contact information
   c. Regional DHHS staff – with contact information
   d. Licensed mental health professional in private practice – with contact information
   e. Local DHHS contract crisis provider.

7. This policy shall require that if an officer takes a person into protective custody, the officer may take the person into custody and deliver the person for examination EITHER under the second step of the blue paper process OR, if the person has an advance healthcare directive, to determine the individual's capacity and whether the advance healthcare directive is effective. Officers shall fill out the State of Maine Protective Custody Intake Form and provide it to the examining clinician.

8. The policy shall require that officers are responsible for assessing the difference between criminal conduct and non-criminal conduct as it relates to persons in mental health crisis. If it is determined a person requires protective custody, and that person has committed

a criminal act, and may be subject to a warrantless arrest; pursuant to 17-A M.R.S. §15, the officer, in consultation with the licensed practitioner examining the person under the involuntary committal process, shall assess and then determine the most appropriate confinement condition to satisfy the protection of the public and the treatment of the person.

9. The policy shall require that if the clinician for Step 2 of the involuntary committal process determines that the person does not satisfy the criteria for emergency involuntary hospitalization or that the person does not lack capacity so that the person's advance healthcare directive would apply, the officer will release the person from protective custody and, with the person's permission, either takes the person home (if that is in the officer's territorial jurisdiction) or return the person to the place from which the person was taken into custody, except that if the person is also under arrest, the officer will keep the person in custody until the person is released in accordance with law.

10. The policy shall require that if the examining clinician determines that the person satisfies criteria for emergency involuntary hospitalization, [and unless the law enforcement agency has executed a custody agreement the health care facilities to which persons are delivered for examination under 34-B M.R.S. §3863(2-A)], the officer will secure a judicial endorsement as soon as possible, and shall transport or cause the patient to be transported in the least restricted form of transportation, to the hospital authorized by the judicial officer.

11. The policy shall require that, if a medical practitioner determines that the person in protective custody presents a likelihood of foreseeable harm, and notifies the law enforcement officer or law enforcement agency of same, the officer or agency shall as soon as practicable seek endorsement by a Superior Court Justice, District Court Judge, judge of probate or justice of the peace of the medical practitioner's determination and the officer's declaration that the person was taken into protective custody and that the officer has probable cause to believe that the person possesses, controls, or may acquire a dangerous weapon.

12. The policy shall require that if the determination in Step 11 is endorsed by a judicial officer, officers are authorized and required, as soon as practicable - but no later than 24 hours after the endorsement, to notify the restricted person that he or she is prohibited from possessing, controlling, acquiring or attempting to possess, control, or acquire dangerous weapons pending the outcome of a judicial hearing. The notification shall also advise the restricted person that he or she is required to immediately and temporarily surrender any dangerous weapons possessed, controlled, or acquired by the restricted person to an officer who has the authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing, and that the person has a right to a judicial hearing within 14 days.

13. The policy shall require that the officer, after making the required notifications in Step 12, report the person's restricted status to the Department of Public Safety and the District Attorney in the district of the person's residence.

14. The policy shall include instructions regarding the collection, storage, care and return of surrendered weapons. The instructions shall include procedures for verification of the restricted person's claim, if made, that he or she previously transferred possession of weapons to a third party for storage. The instructions shall also address instances when weapons located in the officer's jurisdiction must be collected pursuant to an order issued to a restricted person who resides in a different jurisdiction.

15. The policy shall include guidance for the officer if the officer or agency has probable cause to believe that a restricted person under 34-B M.R.S. §3862-A possesses or controls but has not surrendered a weapon, to include searching for and seizing such a weapon pursuant to a warrant or other circumstance approved by law, notification of appropriate federal law enforcement agencies including but not limited to the Bureau of Alcohol, Tobacco, Firearms and Explosives (A.T.F.), and charging the restricted person as appropriate.

16. The policy shall require that officers be familiar with the relevant criminal offenses for a restricted person who possesses a weapon, including but not limited to Possession of a Firearm by a Prohibited Person, 15 M.R.S. §393. Officers shall also be aware that a restricted person who makes all practical, immediate efforts to voluntarily comply with a surrender notice is not subject to arrest or prosecution as a prohibited person.

17. The policy shall require that 20% of all full-time law enforcement officers of each agency receive at least 8 hours of nationally recognized or best practice in-person training in Mental Health Identification Awareness for Law Enforcement Officers by January 1, 2018 and that the agency maintains at least 20% after that date. This training standard requirement will be sent annually to the Maine Criminal Justice Academy as part of the annual reporting requirements, as outlined in 25 M.R.S. §2805-B.

18. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 6

HATE OR BIAS CRIMES POLICY

Date Board Adopted: 06/19/2020 Effective Date: 09/1/2020

The agency must have a written policy to address Hate or Bias Crimes, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes the importance of investigating all bias motivated complaints.

2. A policy statement that prohibits the stops, detentions, searches, or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of this agency; and which states individuals shall only be stopped or detained when legal authority exist to do so; and that members of this agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

3. Officers are responsible for being familiar with the Maine Civil Rights Act and applicable criminal statutes.

4. Definition of a hate or bias crime, and a bias motivated incident.

5. Definition of bias-based profiling: Targeting an individual(s) based on a trait common to a group for enforcement action to include, but is not limited to race, ethnicity, gender, sexual orientation, religion, gender identity, religion, socioeconomic status, age, national origin or ancestry.

6. Dispatching procedures regarding receipt and response to a bias motivated complaint.

7. Establish an investigative procedure to be used for bias motivated incidents.

8. Requirement to notify the Office of the District Attorney of any bias motivated crime(s) discovered through investigation.

9. Requirement to establish notification and reporting procedures to the Office of the Attorney General of any bias motivated crime or incident.

10. Requirement to establish notification and reporting procedures to the Office of the Attorney General of any complaint of bias-based policing made against any member of the agency.

11. Procedure for identifying the agency's civil rights officer.

12. Description of the duties of the agency's civil rights officer.

13. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 7

RECORDING OF LAW ENFORCEMENT INTERVIEWS OF SUSPECTS TO INCLUDE CASES OF MURDER AND CLASS A, CLASS B AND CLASS C CRIMES AND THE PRESERVATION OF INVESTIGATIVE NOTES AND RECORDS IN SUCH CASES POLICY

Date Board Adopted: 7/14/2017 Effective date: 1/1/2018

The agency must have a written policy to address the Recording of Law Enforcement Interviews of Suspects to include cases of Murder and Class A, Class B and Class C Crimes and the Preservation of Investigative Notes and Records in Such Cases, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes the importance of recording custodial interrogations of persons involved in cases of Murder and Class A, Class B and Class C Crimes, regardless of where the interrogation is conducted.

2. Definition of recording that, at a minimum, encompasses digital, electronic, audio, video or other recording.

3. Definition of custodial interrogation that, at a minimum, encompasses an interrogation during which (1) a reasonable person would consider that person to be in custody in view of the circumstances, and (2) the person is asked a question by a law enforcement officer that is likely to elicit an incriminating response.

4. Definition of serious crimes that, at a minimum, includes murder and all Class A, B, and C crimes, and the corresponding juvenile offenses.

5. Procedure regarding the preservation of notes, records, and recordings specifically related to such interrogations until such time as the defendant's conviction is final, appeals are exhausted, or the statute of limitations has expired.

6. A requirement that an officer of the agency record a custodial interrogation when the interrogation relates to a serious crime.

7. A requirement that when an officer records a custodial interrogation, regardless of the location of the interrogation, the recording includes the administration of any warnings that are given (such as the Miranda warning).

9. The requirement to record a custodial interrogation does not apply to:
   a. A situation when recording is not feasible, including, but not limited to, cases in which recording equipment is malfunctioning.
   b. Spontaneous statements that are not made in response to interrogation.
   c. Statements made in response to questions that are routinely asked during the processing of the arrest of a person.
   d. Statements given in response to a custodial interrogation at a time when the interrogator is unaware that a serious crime has occurred.
   e. A situation when the person who is the subject of a custodial interrogation refuses, preferably in writing or in a recording, to have the interrogation recorded.

9. Procedure for the use of interpreters during a custodial interrogation when circumstances indicate a need for an interpreter.

10. Officers are responsible for being familiar with when interrogations must be recorded, their agency's procedures for recording interrogations, the operation of their agency's recording equipment, and any relevant case law regarding interrogations.

11. Statements as to the availability and maintenance of recording devices and equipment.

12. Procedure as to the control and disposition of recordings of custodial interrogations.

13. Procedures for the law enforcement agency when dealing with discovery requests as they relate to the recordings and the notes or records related to such recordings.

14. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

    Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 8

PUBLIC NOTIFICATION REGARDING PERSONS IN THE COMMUNITY REQUIRED TO REGISTER UNDER 34-A, CHAPTERS 15 & 17 POLICY

Date Board Adopted: 09/20/2013 Effective Date: 10/09/2013

The agency must have a written policy to address the Public Notification of Registered Sex Offenders, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes the importance of community sex offender notification, the agency's compliance with 34-A M.R.S., chapters 15 & 17 and the delicate balance between the governmental interests and individual rights.

2. Definitions of another state, bureau, domicile, law enforcement agency having jurisdiction, registrant, lifetime registrant, residence, safe children zone, sentence, sexual act, sexual contact, sex offense, sex offender restricted zone, sexual assault response team, sexually violent offence, tier I offense, tier II offense, tier III offense, tier I registrant, tier II registrant, tier III registrant, ten-year registrant and verification form.

3. Procedures for the law enforcement agency having jurisdiction to receive the information that SBI forwards to that agency, including designating a contact person for the agency and informing SBI of the name of that person, contacting the probation officer involved for conditions of release, contacting the investigating agency for investigative information, and assessing the risk to the community to determine the scope of notification for a resident sex offender or a sex offender working in the jurisdiction.

4. Procedures for the law enforcement agency having jurisdiction to interview the registered sex offender, obtain fingerprints, receive a photo, and verify the address and telephone numbers of friends and family with initial registration.

5. Procedures for the law enforcement agency having jurisdiction to notify the community. These procedures must include consideration of news media release, informational leaflets, personal notification, and targeting population centers based upon the nature of the registrant's conviction, whether the person is required to register as a Lifetime Registrant, Ten-Year Registrant, Tier I Registrant, Tier II Registrant or Tier III Registrant and the agency's investigative findings. The nature of the conviction includes consideration of the elements of the offense for which the registrant was convicted, and any facts alleged in the charging instrument (including, but not limited to, the age of the victim) that were proved or admitted.

6. Procedures to balance the rights of the registrant and the public's interest and right to access information concerning the registrant.

7. Procedures for the agency-designated contact person to meet the responsibility of completing and processing the SBI verification form, establishing an agency file for registrants, providing a link to the state Sex Offender Registry if the agency has a public website, and establishing the periodic reporting mechanism for the registrant.

8. Procedures for the law enforcement agency having jurisdiction to treat all out-of-state sex offenders who are required to register in the same manner as sex offenders originating from the State of Maine.

9. Procedures for the law enforcement agency having jurisdiction to handle non-compliance with registration requirements. This should include contacting the local district attorney's office for guidance.

10. A requirement that the agency provide a copy of its Sex Offender Community Notification Policy to the Board of Trustees of the Maine Criminal Justice Academy, as well as SBI.

11. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 9

CITIZEN COMPLAINT POLICY

Date Board Adopted: 09/14/2018 Effective Date: 09/14/2018

The agency must have a written policy to address Citizen Complaints, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes the importance of investigating all complaints of alleged officer misconduct.

2. Procedures for receiving citizen complaints, including written anonymous complaints.

3. Requirement that all complaints against the agency or its employees be investigated.

4. Type of complaint which must be reviewed by the internal affairs unit and/or the Chief.

5. Type of complaint that may be investigated by a line supervisor.

6. Type of complaint that requires investigation by the internal affairs unit.

7. Type of complaint which should be referred to another agency.

8. Procedure for notifying the agency's chief administrative officer of a complaint against the agency or its employee.

9. Requirement that the agency follow contract provisions regarding the employee's rights.

10. Time limit for completing an internal affairs investigation, with provisions for extensions.

11. Procedure to inform the complainant of the status of the complaint and investigation including the conclusion.

12. Requirement that a written conclusion be generated for each investigation into an allegation of misconduct.

13. Requirement that the agency maintain in a secure area a record of all complaints against the agency and its employees, protecting confidentiality in accordance with applicable laws and subject to applicable collective bargaining agreements. (For State employees – 5 M.R.S. §7070, for County employees – 30-A M.R.S. §503 and for Municipal employees – 30-A M.R.S. §2702).

14. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 10

CRIMINAL CONDUCT BY A LAW ENFORCEMENT OFFICER POLICY

Date Board Adopted: 09/20/2013 Effective Date: 10/09/2013

The agency must have a written policy to address Criminal Conduct by a Law Enforcement Officer, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes the importance of investigating all complaints of alleged criminal conduct by a law enforcement officer.

2. Establish a procedure to refer complaints of alleged criminal conduct to the appropriate investigative entity.

3. Develop procedures for subsequent internal administrative action.

4. Develop procedures that comply with 25 M.R.S. §2807.

5. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 11

DEATH INVESTIGATION POLICY

Date Board Adopted: 09/15/2017 Effective Date: 01/01/2018

The agency must have a written policy to address Death Investigations, to include, at a minimum, provisions for the following:

1. A policy statement that recognizes that all death investigation procedures must at a minimum comply with the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, as well as the statutes governing the Office of Chief Medical Examiner entitled the "Medical Examiners Act." The policy statement shall include information that a copy of the current Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons is part of and an appendix of the policy.

2. A policy statement that recognizes who shall be assigned to investigate deaths depending on their nature. This includes at a minimum the list of agencies and which types of death investigations they are authorized to conduct, pursuant to the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons.

3. Procedures to be followed in all cases involving a death, a situation involving a probable death, or a missing person under suspicious or unusual circumstances as outlined in Section III of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons.

4. Procedures for fire or explosion death investigations and responsibility of officers to comply with Section IV-A of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons and assist the Office of the State Fire Marshal and the Office of Chief Medical Examiner in such investigations.

5. Procedures for hunting death investigations and responsibility of officers to comply with Section IV-B of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons and assist the Maine Warden Service and the Office of Chief Medical Examiner in such investigations.

6. Procedures for deaths while in-custody or confinement investigations for Jails, Holding Facilities, Correctional Institutions, Mental Health Facilities or Death Attended by Law Enforcement and responsibility of officers to comply with Section IV-C of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons and assist the designated investigation agency and the Office of Chief Medical Examiner in such investigations.

7. Procedures for deadly force by law enforcement investigations and responsibility of officers to comply with Section IV-D of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons and assist the designated investigation agency and the Office of Chief Medical Examiner in such investigations.

8. Procedures for workplace death investigations and responsibility of officers to comply with Section IV-E of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons and assist the designated investigation agency and the Office of Chief Medical Examiner in such investigations.

9. Procedures for death of a child less than 3 years of age investigations and responsibility of officers to comply with Section II, III, and IV-F of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons and assist the designated investigation agency and the Office of Chief Medical Examiner in such investigations.

10. Procedures for suicide death investigations and responsibility of officers to comply with Section IV-G of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, and assist the Maine State Police Major Crimes Unit and the Office of Chief Medical Examiner in such investigations.

11. Procedure for suspected drug overdose death investigations and responsibility of officers to comply with Section IV-H of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, and assist the designated the Maine Drug Enforcement Agency and the Office of Chief Medical Examiner in such investigations.

12. Procedure for in-water death investigations and responsibility of officers to comply with Section IV-I of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, and assist the designated the Maine State Police Major Crimes Unit and the Office of Chief Medical Examiner in such investigations.

13. Procedure for missing person investigations and responsibility of officers to comply with Section IV-J of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, and the notification of the Maine State Police Major Crimes Unit and to assist the Office of Chief Medical Examiner in such investigations.

14. Procedure for line-of duty death of a firefighter investigations and responsibility of officers to comply with Section IV-K of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons, and the notification of the Office of the State Fire Marshal and to assist the Office of Chief Medical Examiner in such investigations.

15. Procedures for the release of public statements involving homicides or suspected homicides and compliance with Section V of the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons.

16. Officers must abide by their agency policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

Note: Any violation of these standards may result in action by the Board of Trustees.

Maine Criminal Justice Academy
Board of Trustees Minimum Standards, Policy 12

USE OF UNMANNED AERIAL VEHICLES FOR CRIMINAL INVESTIGATIONS BY LAW ENFORCEMENT AGENCIES POLICY

(Optional – Only If Law Enforcement Agency has a UAV)

Date Board Adopted: 03/10/2017 Effective Date: 03/10/2017

The agency must have a written policy to address the Use of Unmanned Aerial Vehicles for Law Enforcement Agencies if used for the investigation of crimes, to include, at a minimum, provisions for the following:

Under 25 M.R.S. § 4501(4)(A), a law enforcement agency ("LEA") may not use an unmanned aerial vehicle ("UAV") for the investigation of crime without first having adopted written policies and protocols for the use of UAVs. These written policies and protocols must meet minimum standards established by the Board of Trustees of the Maine Criminal Justice Academy ("the Board"). Before adopting such policies and protocols, however, an LEA may use UAVs for purposes other than the investigation of crime. Under 25 M.R.S. §§ 4501(4)(C) and (D), an LEA may use UAVs for such other purposes including, but not limited to, search and rescue, traffic monitoring, accident assessment, and natural disaster assessment without having adopted written policies. If an LEA intends to use a UAV for the investigation of crime, it must first adopt written policies and protocols that meet the minimum standards established by the Board and set forth below.

1. Training and certification. Each LEA policy shall contain a requirement that each of its UAV operators hold a remote pilot airman certification from the Federal Aviation Administration ("FAA") or be under the direct supervision of a person who holds a remote pilot certificate.

2. Prior Authorization. Each LEA policy shall require the chief administrative officer of the LEA to give prior approval before a UAV may be used.

3. Approval by prosecuting attorney. Each LEA policy shall require the LEA to obtain approval from the Attorney General or the chief prosecuting attorney for the LEA's jurisdiction for deployment of a UAV for criminal investigation purposes.

4. Use of enhancement technology. Each LEA policy shall prohibit the use of night vision technology, high-powered zoom lenses, video analytics, facial recognition technology, and thermal imaging unless the use of those technologies is explicitly approved by the chief administrative officer of the LEA when authorizing the use of a UAV.

5. Minimizing impact on 3rd parties. In order to minimize the impact of inadvertent recording on third parties, each LEA policy shall limit use of UAV-mounted audio or video recording technology during a UAV deployment to only those locations where the UAV operator reasonably believes utilizing audio or video recording technology could support the purpose for which the UAV is deployed.

6. Procedures for destroying unnecessary recordings. Each LEA policy shall require that all audio or video recordings obtained during the deployment of a UAV that are deemed unnecessary by the chief administrative officer of the LEA are destroyed consistent with LEA destruction protocols.

7. Recommended minimum altitudes and speeds. Each LEA policy shall recommend that UAV operators, when operating a UAV over locations that the UAV operator believes to be irrelevant to the purpose of the UAV deployment, operate the UAV in accordance with the following parameters:
    a. At a minimum altitude of 200 feet above ground level; and
    b. At a minimum horizontal speed of 5 miles per hour; **UNLESS**
    c. Operating the UAV in accordance with subparagraph (a) or (b), above, would jeopardize the objective of the UAV deployment.

8. Minimizing the deployment of UAVs. Each LEA policy shall require the chief administrative officer of the LEA, when determining whether to approve a UAV deployment, to consider whether the deployment will result in an excessive number of UAVs operating at the same location at the same time. The chief administrative officer shall deny any request that the officer believes will result in an excessive number of UAVs operating at the same location or event at the same time.

9. Avoiding hazards of UAV deployment. In order to limit the potential hazards of UAV deployment, each LEA policy shall require all UAVs to be operated in accordance with the FAA Operating Rules for Small Unmanned Aircraft Systems ("Operating Rules"). If the LEA has received a Certificate of Waiver allowing deviation from any Operating Rules, the LEA policy shall require compliance with the conditions of the Certificate of Waiver.

10. Tracking and recording UAV deployment. Each LEA policy shall require the UAV operator to track and record the flight path of the UAV during a deployment. The record shall be made by whatever means the UAV operator chooses, so long as the record accurately reflects the flight path of the UAV in a comprehensible manner.

11. Reports of UAV deployment. Each LEA policy shall require a record to be created for each UAV deployment. The record must be in a form that permits regular reporting to appropriate governmental bodies. The record shall include the following information:
    a. The date of the UAV deployment;
    b. The name of the UAV operator;
    d. The purpose of the UAV deployment;
    e. The results of the UAV deployment;
    f. The duration of the UAV deployment; and
    g. Any other information the chief administrative officer deems necessary.

12. Sanctions for misuse. Each LEA policy must state that the minimum standards established above, if violated by a law enforcement officer, may constitute grounds for the Board to take disciplinary action against the law enforcement officer's certificate of eligibility pursuant to 25 M.R.S. §2806-A(5)(J) or to seek a civil a penalty against the officer or LEA pursuant to 25 M.R.S. § 2803-C.