MLEAP

MAINE LAW ENFORCEMENT ACCREDITATION PROGRAM

MLEAP Standards Manual

Maine Law Enforcement Accreditation Program

Edition 5

Maine Law Enforcement Accreditation Program (MLEAP)

Accreditation Program Standards Manual

Including Glossary

Edition 5
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MAINE CHIEFS OF POLICE ASSOCIATION
P.O. Box 2431 | South Portland, Maine 04116

Phone: 207.799.9318 | Email: mcopa@maine.rr.com
Program Director: 207.200.1112 | James.Willis@dirigosafety.com
Website: www.mainechiefs.com

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Chief Phillip Crowell, Jr. (Committee Chair)	Auburn Police Department
Chief James Willis	Bar Harbor/Mount Desert Police Dept.
Chief Michael Field	Bath Police Department
Chief Edward Tolan	Falmouth Police Department
Chief Sean Geagan	Bucksport Police Department
Chief Richard LaHaye	Searsport Police Department
Chief of Investigations Brian MacMaster	Maine Attorney General's Office
Director John Rogers	Maine Criminal Justice Academy
Chief Craig Sanford	Kennebunkport Police Department
Lt. Colonel John Cote	Maine State Police
Deputy Chief Jason Moen	Auburn Police Department
Ex Officio: Chief Robert Schwartz, Retired	Maine Chiefs of Police Association

PREFACE

The MLEAP Manual is the compilation of what Maine law enforcement professionals believe are basic business practices needed to address the most critical tasks of law enforcement in our state. The standards were developed to ensure appropriate protection of citizen's rights, to improve the safety of public safety employees, and ensure the operational and professional integrity of a law enforcement entity. This manual includes the Standards and Glossary which are updated from time to time when legal or environmental changes necessitate.

The Standards Program Manual provides detailed information regarding the operation of the MLEAP Program.

Chief Jason Moen
MCOPA Interim President

TABLE OF CONTENTS

Administration and Organization **15**

1.01 Organization (EV) 15
1.02 Budget (E) 15
1.03 Cash Transactions (EV) 16
1.04 Written System of Agency Directives (EV) 16
1.05 Agency Jurisdiction (E) 17
1.06 Law Enforcement Officer Authority (E) 18
1.07 Authority of the CLEO (E) 18
1.08 Duty to Obey Lawful Orders (E) 18
1.09 Sworn Personnel/MCJABOT Requirements (E) 19
1.10 Accounting for Agency-Owned Capital Assets (E) 19
1.11 Approval for Personally Owned Equipment (E) 19
1.12 Agency Issued Property/Equipment (E) 20
1.13 Continuing Compliance with MLEAP Standards (EV) 20

Professional Standards and Conduct **22**

2.01 Bias Based Policing (E) 22
2.02 Code of Ethics (EV) 22
2.03 Oath of Office (E) 22
2.04 Internal Investigations (E) 23
2.05 Time Limit on Internal Investigations (E) 23
2.06 Complaints Requiring an Investigation (E) 24
2.07 Notification of the CLEO (E) 24
2.08 Appeal Procedures for Disciplinary Actions (E) 24
2.09 Records and Security of Complaints and Investigations (EV) 25
2.10 Notification to Complainant (E) 25
2.11 Sexual and Other Unlawful Harassment (E) 25
2.12 Professional Conduct (E) 26
2.13 Appearance (EV) 26
2.14 Truthful (E) 27
2.15 Political Activity (E) 27
2.16 Attendance (E) 27
2.17 Individual Rights (E) 28
2.18 Personal Conduct (E) 28
2.19 Alcoholic Beverages (E) 28
2.20 Drugs (E) 29
2.21 Gifts/Gratuities (E) 29
2.22 Emergency Recall Procedures (E) 29
302.23 Personnel Files (EV) 30

Training **31**

313.01 Annual Firearms Qualifications and Training (E) 31
3.02 Use of Deadly Force Training (E) 31
3.03 Annual Inspection of Firearms (E) 31
3.04 Use of Force Training and Proficiency for Less Lethal Weapons (E) 32
3.05 Training Records (EV) 32
3.06 In-Service Sworn Officer Training (EV) 33
3.07 In-Service Non-Sworn Training (E) 33
3.08 Supervisor Training (E) 33
3.09 SWAT/Special Response Team Training (E) 34
3.10 Crisis Negotiator Training (E) 34
3.11 Field Training Program (E) 35
3.12 Field Training Officer Training (E) 35
3.13 Field Training Officer Process Review (E) 35
3.14 Training Evaluations (EV) 36
3.15 Training Rotations (E) 36
3.16 Background Investigator Training (E) 36
3.17 Required Communication Specialists Training (EV) 37
3.18 Chief Law Enforcement Officer Training (E) 37
3.19 Internal Affairs Investigator Training(E) 38

Personnel 39

4.01 Employee Selection Procedures (E) 39
4.02 Polygraph Examinations (E) 39
4.03 Background Investigations for Selection of Employees (E) 40
44.04 Disposition of Selection Records of Applicants (E) 40
4.05 Off-Duty Employment (E) 41
4.06 Promotional Process (E) 41
4.07 Promotional Eligibility Lists (E) 42
4.08 Annual Performance Evaluations (EV) 42
4.09 Performance Evaluation Training (E) 42
4.10 Employee Safety and Crash Prevention (E) 43
4.11 Recruitment plan for full-time (E) 44
4.12 Employee Wellness (E) 44
4.13 Early Intervention System (E) 44
4.14 Personnel Critical Incident Data Collection (E) 45

Records & Information Management 46

5.01 Privacy and Security of Records (EV) 46
5.02 Records Retention (E) 46
5.03 Release of Information (E) 47
5.04 Public Information Officer (P.I.O.) (E) 47

Use of Force 48
6.01 Authorization to Use Force (E) 48

6.02 Authorization of Deadly Force (E) 48
6.03 Use of Force Documentation and Review (E) 49
6.04 Weapons and Ammunition (E) 49
6.05 Carrying and Use of Weapons, On and Off Duty (E)
6.06 ***Deleted***
6.07 Medical Aid after Using Force (E) 50
6.08 Removal from Line Duty after Using Deadly Force (E) 50
6.09 Warning Shots (E) 51
6.10 Annual Use of Force Report (E) 51
6.11 De-escalation Techniques (E) 52
6.12 Duty to Intervene (E) 52

Law Enforcement Operations 53

7.01 24-Hour Law Enforcement Response to Emergency Situations (EV) 53
7.02 Arrests with a Warrant (E) 53
7.03 Arrests without a Warrant (E) 54
7.04 Authority to Arrest Outside Jurisdiction (E) 54
7.05 Probable Cause Determinations and First Appearances (E) 54
7.06 Miranda Warning (E) 55
7.07 Interrogation (E) 55
7.08 Search and Seizure Warrants (E) 55
7.09 Searches Without A Warrant (E) 56
7.10 Family Violence (E) 56
7.11 Preliminary Investigations (E) 56
7.12 Follow up Investigations (E) 57
7.13 Informants (EV) 57
7.14 Confidential and/or Narcotics Funds and Audits (EV) 58
7.15 Vehicle Pursuits (E) 58
7.16 Pursuit Documentation (E) 59
7.17 Non-Emergency and Emergency Response (E) 59
7.18 Crash Investigation (E) 60
7.19 Reflective Vests (EV) 60
7.20 Roadblocks (E) 60
7.21Stop Sticks/Road Spikes (E) 61
7.22 Seatbelts (EV) 61
7.23 Inspection of Patrol Vehicle and Equipment (E) 61
7.24 Special Use Equipment (EV) 62
7.25 Alarms (E) 62
7.26 Reserve Officer Program (E) 63
7.27 Traffic Enforcement Operations (E) 63
7.28 Civil Process Records (E) 63
7.29 Civil Process Procedures (E) 64
7.30 Sex Offender Registration (E) 64
7.31 Eyewitness Identification (E) 65
7.32 Missing Persons (E) 65
7.33 Protective Custody (E) 66
7.34 In-Car and/or Body-Worn Audio/Video (E) 66

Unusual Situations **68**

8.01 Barricaded Suspect and/or Hostage Incidents (E) 68
8.02 Bomb Threats and Responding to Bomb Incidents (E) 68
8.03 Hostage Negotiations (E) 68
8.04 Tactical Team (EV) 69
8.05 Emergency Operations Plan (EV) 69
8.06 After Action Report (E) 70
8.07 Review of Emergency Operations Plan (V) 71
8.08 ***Deleted***
8.09 ***Deleted***
8.10 Hazardous Materials (E) 71

Communications **72**

9.01 Communication Centers (24-hour access) (V) 72
9.02 Facility Security (V) 72
9.03 Playback System (V) 72
9.04 Back Up Power Source (V) 73
9.05 Emergency Telephone Number (V) 73
9.06 24-hour Two Way Radio Capability (V) 74
9.07 Access to Criminal Justice Information Systems (V) 74

Processing & Transportation **75**

10.01 Searching and Transport (E)
10.02 Change to Notification of JCCO (E) 76
10.03 Separation of Prisoners (EV) 76
10.04 Short-Term Detention Area (EV) 76
10.05 Access to the Short-Term Detention Area (EV) 77
10.06 ***Deleted***
10.07 Fire Protection for Short-Term Detention Area (V) 77
10.08 Evacuation Plan for Short-Term Detention Area (V) 77
10.09 Prisoner's Property Release (EV) 78
10.10 Prisoner Identification Procedure (EV) 78
10.11 Medical Assistance for Prisoners (EV) 78
10.12 ***Deleted***
10.13 Strip Searches (EV) 79
10.14 Body Cavity Searches (EV) 79
10.15 Short-Term Detention Area Key Control (EV) 80
10.16 Prisoner Escapes (E) 80
10.17 Short-Term Detention Area Inspection (EV) 80
10.18 Minimum Standards for Short-Term Detention Area (V) 81
10.19 Visual Observation of Prisoners (V) 81

10.20 Weapons in the Short-Term Detention Area (EV) 81
10.21 Consular Notifications (E) 82

Court Security 83

11.01 Courthouse/Courtroom Security (EV) 83
11.02 External Communications (V) 83
11.03 Emergency Response and Evacuation Plans (V) 83

Property & Evidence Management 85

12.01 Property and Evidence – Chain of Custody (EV) 85
12.02 Access to Crime Scene Personnel (EV) 85
12.03 Property/Evidence Submission (E) 86
12.04 Property/Evidence Storage Area Security (EV) 86
12.05 Disposal of Property/Evidence (EV) 87
12.06 Field Release of Property (E) 87
12.07 Annual Unannounced Inspection of Property/Evidence (E) 87
12.08 Annual Audit of Property/Evidence (EV) 88
12.09 Change of Assignment inventory of Property/Evidence (EV) 88

Appendix A: Audit Sampling Methods 90
Appendix B: Required Training Matrix 93
Appendix C: Program Glossary 95

Appendix D: Standard Change History 106

INTRODUCTION

THE ACCREDITATION COMMITTEE

The MCOPA Accreditation Committee manages the overall operation of MLEAP and presents awards to qualifying agencies. The Committee is under the direct supervision of the MCOPA Board of Directors. The Committee oversees the model policy program; establishes and approves standards of best business practices for Maine Law Enforcement; develops and manages a system for accepting applications for accreditation; develops and manages a system for evaluating Candidate Agency's compliance with the established standards; and awards accredited status to agencies that have adequately proven compliance with the established standards of best business practices.

The Committee is composed of a body of members appointed by the MCOPA Board of Directors. Committee members are made up of Chiefs of Police or other executive level police officers who hold Active Membership in the MCOPA as well as other critical partners identified by the MCOPA Board of Directors. Committee members serve staggered two-year terms with appropriate members being appointed each year.

A quorum exists when at least five (5) members of the Committee are present at a business meeting. Decisions are made based on a simple majority of those present and voting. Issues and submissions for "Accredited" status may be submitted to the Committee members for vote.

Committee members will abstain from involvement in the accrediting process of their individual agencies or when they believe a conflict of interest exists due to a close personal relationship.

HOW AGENCIES ARE REVIEWED

Agencies that enter this voluntary program conduct a self-assessment of their policies and procedures to ensure their policies meet the minimum standards required. Agencies then construct paper or electronic files for each standard. These files contain "proofs" required to be maintained annually that prove the agency complies with the requirements of a standard. Upon completion of compiling these proofs, the agency announces they are ready for review and a team of assessors, usually two, from another area of the state are sent to review the agency's files. The assessment team leader prepares a report of the on-site assessment and forwards it to the Accreditation Committee for review, approval and awarding of "Accredited" status.

To qualify for the Accreditation Program (AP) an agency must implement all standards applicable by function listed within this manual.

Assessors are usually Chiefs of Police, Command Officers, and Program Managers from other agencies. These assessors are trained by the Accreditation Coordinator and

must agree to a Code of Ethics prior to accepting the assignment and must abide by that Code of Ethics during their assessment of the agency.

SUBMITTING PROOFS OF COMPLIANCE

Proofs of compliance related to Standards designated as “E” must be submitted electronically through email to the designated reviewer prior to onsite inspection.

ACCREDITING STANDARDS

The original standards were developed by the ME-PAC in concert with other state accrediting bodies with extensive experience in the law enforcement accreditation process at the state level. The standards represent the basic practices needed to address critical issues within the law enforcement profession in Maine.

These standards have been and will continue to be updated and modified as the legal and social environment changes and law enforcement operations continue to evolve. Any member of the MCOPA may submit items and issues for consideration regarding the modification or development of new standards.

The standards are organized into twelve chapters that correspond to major areas of law enforcement operations. Nationally Accredited Agencies must submit to the committee at the time of their national assessment the documentation of having received national accreditation from CALEA.

STANDARDS COMPOSITION

Each standard is composed of the standard number and title, whether the standard is approved for electronic submission, the standard statement, a discussion, and items needed for proving compliance.

The standard number and title identify the Standard.

The **(E)**, **(V)**, or **(EV)** designation after the title indicates how the standard may be submitted for review. (**E**) indicates the standard is approved for electronic submission; (**V**) indicates the standard will be reviewed on-site only; (**EV**) indicates the standard is approved for electronic submission but will be reviewed on-site as well. (EV) standards typically have some aspects which may require visual observation or review of more extensive files.

The **standard statement** is the definitive requirement or requirements which must be met by the agency. The agency must show compliance with each part of a standard if the standard contains multiple parts. Some standards require a written directive. Others may only require an action, activity, inspection, or report. Some may require both a written directive and activity or action. Most standard statements indicate what the agency must address or perform, but usually allow great latitude in determining how to do it.

The **Discussion**, if present, is an explanation of the standard and in some cases may

contain a discussion of possible methods and requirements for compliance with the standard. The discussion may provide the agency and assessors with minimum levels of performance for acceptance. Agencies are expected to comply with the minimum levels of performance or the equivalent.

Proof of Compliance is a listing of the items or methods that are needed to show proof of compliance with a standard. If the standard statement requires a written directive, a written directive must be submitted. If a written directive is not required by the standard statement, the method of proof is the choice of the agency. Sufficient evidence must be provided to prove compliance with the standard. If an agency does not have the proof of compliance items listed, the agency should contact the Program Director to determine alternative methods of showing compliance.

STANDARDS APPLICABILITY

Some standards are conditional standards. Conditional standards usually contain the word "if." If an agency does not have that operation or provide that service, the standard does not apply. A file would still be maintained and the Document Submission Form in the file would indicate that the agency does not have or perform that function and the standard is N/A.

If an agency utilizes another entity to perform any of its functions such as Communications, Holding Facility, or Property and Evidence, the performing agency must meet the standards for that function.

An exception is made for agencies that do not have holding facilities and utilize County Detentions or other facilities that are controlled by Maine Department of Corrections Standards for holding facilities. Detailed information on this exception is covered in the introduction to Chapter 10, Detainee Processing and Transportation.

GETTING STARTED

Regardless of whether an agency wishes to become officially "accredited", these standards can be used in every community to improve basic law enforcement operations and reduce liability. We encourage all law enforcement agencies within the state to become familiar with these standards and work toward ensuring compliance with these standards within your agency.

If you wish to become an accredited agency, the first step is to obtain the Program Manual, Standards Manual and become familiar with the program operation and the applicable standards. The CLEO **and** his/her designated Program Manager within the agency are required to attend a formal training class prior to being formally accepted into the program.

If you have not yet been to training, you do not have to wait to get started. Reading the Program Manual and this Standards Manual can provide you with the information to begin your own self-assessment. Files can be created, and appropriate documentation and proofs of compliance gathered. When training has been completed and your agency

accepted into the program, the completion of the program will take much less time.

The MCOPA Website ***www.mainechiefs.com*** has a host of resources for your use under the MLEAP tab. You do not have to be registered or accepted into the program to have access to all the forms, manuals, or sample policies. All downloads are provided at no charge.

CHAPTER 1

ADMINISTRATION AND ORGANIZATION

The administration and organization of a law enforcement agency is crucial to the achievement of its mission. Clear lines of authority and responsibility are necessary to fix responsibility and assure performance. Critical issues of organization, budgeting and financial management, policies and procedures, authority and jurisdiction, and asset management are covered in this chapter. Effective administration and organization will assist the agency in providing efficient and effective services to the citizens of the community.

1.01 Organization (EV)

The Agency has a current organizational chart depicting the organizational components available to all personnel. The chart is updated as needed but should be reviewed annually.

Discussion: The Organizational Chart should have a date on it, such as ***"XXX Police Department 2017"*** or a "Date Reviewed" at the bottom to show proof of annual review.

The agency should have the Organizational chart posted somewhere in the department for employee reference.

Proof of Compliance:

1. Copy of current Organizational Chart, **and**
2. Some methods of showing an every two years or if there is a substantial change within the organization regarding divisions, squads, teams etc. review of the Organizational Chart (Review or issue date on chart or policy stating annual review), **and**
3. Organizational charts are made available to all personnel, **and**
4. Level 1 training **or**
5. Photo of posting on bulletin board, **or**
6. Observation of chart posted on bulletin board (On-site)

1.02 Budget (E)

The Agency develops, submits, and manages a budget, and a written directive designates a position responsible for the budget.

Discussion: None

Proof of Compliance:

1. Copy of directive or memo designating who is responsible for the budget

preparation and management, **and**
2. Copy of written directive outlining budget process, **or**
3. Copy of instructions for budget preparation, **or**
4. Copy of submitted budget request, **and**
5. Copy of monthly budget summary or status report.

1.03 Cash Transactions (EV)

The Agency has a written directive instructing appropriate personnel on how to handle and document all cash transactions. The directive will document functions in the agency authorized to perform any cash transactions. This does not include confidential, or narcotics-related transactions.

Discussion: Agencies often manage cash in any number of areas including petty cash transactions, receiving cash for bonds and fines, receiving cash for copies of reports, receiving cash for assorted permits such as dog licenses or alarm permits, and even fingerprinting services.
Each of these areas needs must be addressed in policy and should clearly identify:

A. Who is the custodian of the account (who is responsible to its security),
B. Who has authorized access to the money (can be by name or by position such as the on-duty dispatcher),
C. Where and how the cash is maintained (maybe a lockbox locked in the admin. File cabinet, etc.),
D. How transactions are documented (requests, receipts, log, or balance sheet, etc.),
E. What to do with the money when it is received,
F. How money is turned in, how much is kept available, how additional funds are requested, etc.
G. How often and by whom audited.

The policy for each of these areas should be clear enough to allow someone who knows nothing about the process, to be able to read the policy and conduct cash operations without questions. It should also be clear enough for a supervisor or auditor to know if something is wrong.

Proof of Compliance:

1. Copy of written directive(s) (Ensure person or position responsible for each cash fund is identified), **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of documentation for transactions, submission, or reconciliation, **and**
4. Copy of cash account log, receipts, balance sheet, or ledger, **or**
5. Observation of cash account security, log, and transaction detail. (On-site)
6. Copy of a completed audit.

1.04 Written System of Agency Directives (EV)

The agency has a written directive system in place that includes all agency policies, procedures, and practices. The written directive system must:

A. Be organized in a manner that allows reference,
B. Require updating of directives in accordance with applicable Maine, Federal, Statutory and/or Case Law,
C. Require managerial policy review at least every two years,
D. Require directives and updates be made available to, and reviewed by, all affected agency personnel in a manner designated by the CLEO, and
E. Require maintenance of documentation proving receipt of directives by agency personnel in a manner designated by the CLEO.

Discussion: It is the responsibility of the agency to ensure their written directives are in compliance with applicable Maine Law. In some cities, all policies must be reviewed by the city's attorney. In many cities, this task is left to the CLEO. A written statement from the Office of the CLEO, that departmental written directives comply with all applicable Maine Law, is required as part of this standard's proof of compliance. This can be a stand-alone letter or memo or may be included in the written directive that the Chief, or a designee, is responsible for ensuring that all policies and procedures are in compliance with Maine Law.

The written directive should also clearly state how often (such as annually or every two years, etc.) the department directives will be reviewed instead of using the term "periodic."

Proof of Compliance:

1. Copy of a sample policy, procedure, general order, etc., **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Some documentation of periodic review of directives, **and**
4. Some indication that policies are in compliance with State Law. **and**
5. Observation of availability of written directives to all personnel if the agency is not utilizing an electronic policy management system (On-site)

1.05 Agency Jurisdiction (E)

The Agency has written documentation from a unit of government that authorizes the existence of the Agency and defines its jurisdictional boundaries.

Discussion: Per Maine Revised Statue Title 30A Section 2671 the municipality or governing body shall have power to establish a police department and to describe its duties and define its powers in such a manner as will most effectively preserve the peace of the municipality, secure the citizens thereof from personal violence and safeguard property from unlawful depredation. This establishment is typically accomplished via Charter or ordinance passed by a municipality which establishes the agency. The State of Maine and or its agencies do not establish a local law enforcement agency. There must be some formal action on the part of a government body creating the agency.

Proof of Compliance:

1. Copy of documents for Agency existence and jurisdiction, (prior police budgets, annual reports, letter from Town administrator), **and**
2. Copy of boundary ordinances or portions of Metes and Bounds book, **or**
3. Copy of map provided to employees with jurisdictional boundaries delineated.

1.06 Law Enforcement Officer Authority (E)

The Agency has a written directive that identifies who is authorized to be a law enforcement officer and identifies their legal authority to detain, arrest, search, seize, pursue, and serve other legal process.

Discussion: This authority is generally found in the Ordinance; Charter; State Law, Rules or Regulations; or Court Rules, Code of Criminal Procedure.

Proof of Compliance:

1. Copy of agency directive outlining authority, **or**
2. Copy of the ordinance or charter regarding authority of police officers, **or**
3. Copy of Court Rules, State Law / Regulations, Criminal Procedure

1.07 Authority of the CLEO (E)

The Agency has written documentation from a unit of government designating the authority of the CLEO.

Discussion: This is often found in either the Charter or Ordinance authorizing the department.

Proof of Compliance:

1. Copy of the Charter or Ordinance giving Agency Director authority over Department, **or**
2. Copy of CLEO's letter of appointment, **or**
3. Copy of CLEO's job description if approved by governing body.

1.08 Duty to Obey Lawful Orders (E)

The Agency has a written directive requiring employees to obey lawful orders from a higher- ranking member and explaining how to respond to conflicting or unlawful orders.

Discussion: None

Proof of Compliance

1. Copy of written directive, **and**

2. Proof of Receipt of Policy (Level 1 Training)

1.09 Sworn Personnel / MCJA Board of Trustees (MCJABOT) (E)

The Agency is in compliance with MCJABOT standards before Officers perform law enforcement duties and in addition the Agency requires all full-time Police Officers to successfully complete MCJA approved basic academy prior to performing law enforcement duties except under the supervision of a full-time, certified law enforcement officer.

Discussion: The department should have a written directive that clearly prohibits employees from performing law enforcement duties prior to meeting MCJABOT standards as required for law enforcement officers. In addition, agencies will have a written directive that prohibits an employee from performing any law enforcement function prior to successful graduation from the Maine Criminal Justice Academy or approved by the MCJABOT.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of proof of LE Officers graduation from the MCJA or approved academy

1.10 Accounting for Agency Owned Capital Assets (E)

The Agency has a written directive for ensuring annual accountability of all Agency firearms, radios, vehicles and other capital property, equipment, or other assets more than $5000 (agencies may choose a lesser asset amount to inventory The inventory results will be forwarded to the CLEO.

Discussion: While not required, agencies should consider including all critical equipment regardless of the value because of their critical nature.

The proof submitted should not be simply a list of asset items but must show that an inventory has been conducted. This can be a dated, initials, and checkmarks on the asset list or in a memo to the CLEO with a copy of the checked-off items attached.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of recent agency asset inventory.

1.11 Approval for Personally Owned Equipment (E)

The Agency has a written directive that requires all personnel to obtain written approval from the CLEO or designee prior to carrying or using any personally owned equipment during the performance of their duties.

Discussion: This standard intends to ensure the CLEO is aware of and has control over

what weapons, equipment, and uniform items are carried and worn by the agency's members. It includes personally owned equipment such as handcuffs and batons, handguns, rifles, and any non-lethal weapons including OC sprays, etc. Any items not issued or specifically approved in the department policy manual.

Proof of Compliance

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of any request or approval of personally owned equipment by the Agency Director.

1.12 Agency Issued Property/Equipment (E)

The Agency has a written directive that requires all personnel to sign for any Agency-owned property/equipment issued to the employee and includes a process for recovering the property/equipment when the employee leaves the Agency.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of property sheets for personnel signing for issued property/equipment, **and**
3. Copy of property sheets for personnel returning issued property/equipment.

1.13 Continuing Compliance with MLEAP Standards (EV)

The agency has a written directive that designates a responsible person within the agency for monitoring continued compliance with the accreditation program. The agency has a system in place that ensures continued compliance.

Discussion: Agencies are required to continue compliance with MLEAP standards throughout their three-year accredited period. Several standards require performance of various inspections, audits, and reports as well as continuing operational processes (such as hourly prisoner checks.) Left uninspected, many of these requirements may not be done regularly. The agency must clearly identify in a written directive a person responsible for ensuring the standards are maintained.

The agency must also develop a system – designed by the agency – to ensure these requirements are continuously met. This system may simply be the use of a "required performance" checklist which is personally monitored by the assigned person, an automated or computerized reminder system requiring periodic checks (such as Microsoft Office Outlook Calendar or Task system) or formalized reporting system with individual units of an agency required to submit formal reports.

Proof of Compliance:

1. Copy of written directive showing assignment of a person or position

responsible, **and**

2. Observation or evidence of a system developed to ensure compliance (On-site)

CHAPTER 2

PROFESSIONAL STANDARDS AND CONDUCT

All professional law enforcement agencies must have clearly delineated rules and regulations to guide officer conduct and ensure the proper public image of the agency. These Code of Ethics and rules of conduct ensure the public that their law enforcement agency is properly supervised and held to a high standard of conduct. It ensures the public that complaints against officers will be fairly investigated and acted upon if wrongdoing is found.

2.01 Bias Based Policing (E)

The agency has a written directive, complying with current laws and training on Bias Based Policing. Agencies are required to conduct an annual review of selected available agency data related to bias-based policing in a good faith effort to ensure compliance with agency policy and state law. The annual review will be documented in an annual report and submitted to the CLEO for review.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Level 1 training**, and**
3. Proof of Level 2 training
4. Copy of Maine Attorney General's Office Traffic Data Report

2.02 Code of Ethics (EV)

The Agency requires every Law Enforcement Officer to sign the ICAP approved Law Enforcement Code of Ethics.

Discussion: None

Proof of Compliance:

1. Copy of written directive or Code of Ethics, **and**
2. Proof of Code of Ethics in the personnel file. (On-Site) **or**
3. **Has been electronically signed for (E)**

2.03 Oath of Office (E)

The Agency has a written directive that requires every employee who is a law enforcement officer, under law, to take and sign an oath of office before conducting law

enforcement duties for the Agency.

Discussion: This requires a department written directive which requires that officers take the Oath of Office prior to performing any law enforcement duties.

Article 9 Section 1 of the Maine Constitution prescribes the specific wording of both the officer's statement and Oath of Office. Agencies may add to the Oath of Office but the basic requirements which are stated in the Maine Constitution must be met.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copies of signed Oaths of Office (and Statement of Appointed Officer)

2.04 Internal Investigations (EV)

The Agency has a written directive on how to receive, investigate, and conclude complaints against employees. Sustained complaints must be based on facts determined during the investigation.

Discussion: The department policy on Internal Investigations should be reviewed to insure it meets all of standards 2.04 through 2.10.

The policy should clearly address when and how complaints are received, investigated, and concluded. The Written directive should also in some manner indicate that allegations are sustained based only on the facts determined during an investigation or a preponderance of the factual evidence.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of an IA Investigation showing conclusion was based on a finding of fact (On-Site)

2.05 Time Limit on Internal Investigations (EV)

The Agency has a written directive that sets a time limit for the completion of Internal Investigations including disciplinary action, if necessary. It includes procedures for request and approval of extensions of time if needed.

Discussion: Agencies should ensure that their time limits include taking disciplinary action if necessary. Time limits must be in a specific number of days and may allow for extensions if requested and approved by the CLEO.

Agencies can give a time limit in their policy for the "investigation and taking of disciplinary action" or provide a time limit for the investigation and a separate time limit for

the taking of disciplinary action if necessary.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
4. Review Internal Investigations or logs for compliance with time limits. (On-Site)

2.06 Complaints Requiring an Investigation (EV)

The Agency has a written directive requiring that all complaints be received by the agency. Allegations of violation of policy or law must be investigated.

Discussion: In smaller agencies, the department may not differentiate formal or informal complaints. It is sufficient if all complaints are sent to the Chief or designee who decides by whom and how they are investigated.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of IA log or documents showing investigations, **or**
5. Copy of formal internal investigation and supervisor investigative file. (On-Site)

2.07 Notification of the CLEO (E)

The Agency has a written directive for notifying the CLEO, as soon as practical, of formal complaints against agency employees and agency volunteers (if any).

Discussion: The intent of this standard is to notify the agency director of external complaints as soon as possible. The agency may determine when and how this notification is made but should be done early in the complaint receipt and investigation process.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of log, memo, or email showing CLEO notified of complaint per directive.

2.08 Appeal Procedures for Disciplinary Actions (E)

If the agency allows appeals of disciplinary action, the Agency has a written directive describing the appeal process, including which actions may be appealed and what level/position will constitute the appeal authority.

Discussion: If the agency uses or relies on an appeal process issued by a higher

authority, such as City personnel rules, city or state civil service rules, collective bargaining agreements, the agency should submit those documents and they must meet the requirements of the standard.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of an appeal case or memo to the employee of appeal process.

2.09 Records and Security of Complaints and Investigations (EV)

The Agency has a written directive that requires information and records related to complaints against employees to be kept secure. Release of information regarding complaints against employees and any subsequent disciplinary action must comply with the Freedom of Information Act (FOIA) and other applicable Federal, State, and Local laws, rules, and regulations.

Discussion: The requirement that records be kept secure includes being secured from unauthorized access by agency employees. This requires the records to be kept in locked cabinets or rooms with only limited access by designated individuals.

The written directive must clearly state that the records will be maintained in a secure manner.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Photograph file security for file, **or**
4. Physical inspection of security of files (On-Site)

2.10 Notification to Complainant (E)

The Agency has a written directive to notify the person who files a complaint, against the agency or employee, of the results of the investigation.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Copies of letters where complainants have been notified of results of investigations.

2.11 Sexual and Other Unlawful Harassment (E)

The Agency has a written directive that prohibits sexual or other unlawful harassment. The written directive must provide for reporting procedures that include when it is appropriate to make a report outside the chain of command or outside the Agency. The agency must provide annual training to all personnel.

Discussion: The training portion of this standard may be met by showing proof of some form of formal training, policy review, or specific topic training at a school, seminar, or class; clearly showing the topic of training, such as a class schedule, syllabus, lesson plan, power point, completion certificate, or other documentation. Computer based learning programs may also be used. Proof will be sign-in sheets, completion certificates, etc. Training must be provided to all department personnel. Training is required annually.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) (by sworn and non-sworn employees), **and,**
3. ~~3.~~ Proof of Level 2 training (by sworn and non-sworn employees)

2.12 Professional Conduct (E)

The Agency has a Code of Conduct that identifies acceptable and unacceptable conduct and includes mandatory training of all personnel.

Discussion: This is typically the department's Code of Conduct or Rules of Conduct and may have numerous rules and regulations regarding what employees are required to do and what actions are prohibited. Proof of training is required for both sworn and non-sworn.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

2.13 Appearance (EV)

The Agency has a written directive that describes uniform and personal appearance standards for sworn and non-sworn employees, including when non-uniform clothing is approved for special assignments.

Discussion: This directive should describe the agency uniform standards and other appearance standards such as cleanliness, grooming, jewelry, tattoos, and other appearance guidelines. Standards for non-uniform positions should be included such as for Criminal Investigations. Standards for non-sworn work staff, dispatchers, must also be included. (These may be covered in a city manual but if additional uniform requirements exist (such as for dispatchers), they must be clearly covered.

If special assignments are used, such as undercover narcotics, specific exceptions to appearance rules should be made in policy or specific approval from the CLEO, or designee required.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observation that employees present a professional image (On-Site)

2.14 Truthful (E)

The Agency has a written directive requiring all employees to be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),

2.15 Political Activity (E)

The Agency has a written directive that prohibits an employee's personal involvement in political issues or campaigns while on duty or in uniform. Exception is permitted for Sheriff's running for re-election.

Discussion: Follow City, County, or State requirements.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),

2.16 Attendance (E)

The Agency has a written directive regarding attendance requirements for employees under normal duty assignments, training assignments, and other times identified by the Agency.

Discussion: This standard requires the agency's written directive to specifically address attendance requirements for normal duty assignments **and** training assignments. The agency may also add other requirements such as attendance at court or other times.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),

2.17 Individual Rights (E)

The Agency has a written directive that employees are to respect the rights of individuals and specifically states that employees will not engage in discrimination, oppression, or favoritism.

Discussion: The agency directive must, in some manner, require officers to protect the rights of individuals (not just citizens or residents) and must specifically prohibit discrimination, oppression and favoritism. This is often accomplished by simply having a rule to this effect in the department Rules Manual or Code of Conduct.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),

2.18 Inappropriate Relationships (E)

The Agency has a written directive that no employee shall establish an inappropriate social relationship with a known victim, witness, suspect, or defendant of an Agency case while such case is being investigated or prosecuted because of such investigation.

Discussion: The term inappropriate is intended to mean any romantic or social relationship with a known victim, witness, suspect, or defendant that would jeopardize the prosecution or embarrass the department.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),

2.19 Alcoholic Beverages (E)

The Agency has a written directive regarding the use of alcoholic beverages when reporting for duty and while on duty.

Discussion: An exemption would be controlled training environment or during undercover operations. The directive must address both when reporting and while on duty.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training).

2.20 Drugs (E)

The Agency has a written directive regarding the illegal use of any drug including prescription drugs or marijuana, and the taking of legal prescriptions when it would negatively impact the judgment or physical condition of an employee while on duty.

Discussion: These directives should prohibit any illegal drug use and the use of any prescription drug taken illegally (without specific prescription for that employee). It should also address the taking of any prescription drug when it would negatively impact the judgment or physical condition of the employee when on duty. This is usually handled by requiring employees to notify a supervisor whenever they are taking any medication which they believe will impair their performance.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

2.21 Gifts/Gratuities (E)

The Agency has a written directive regarding gifts and gratuities that may be offered to, or solicited by, employees.

Discussion: None

Proof of Compliance

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training).

2.22 Emergency Recall Procedures (E)

The Agency has a written directive regarding the availability of personnel during emergency situations.

Discussion: Agencies should specifically spell out employee's duty to report during emergencies as directed by supervisors or the CLEO.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training).

2.23 Personnel Files (EV)

The agency maintains a personnel file(s) on each employee which contains originals or copies of all documents related to personnel matters including but not limited to changes of status, training received, commendations, records of counseling, performance evaluations, and MCJABOT required documentation.

Discussion: "Personnel records" are records kept by an employer about an employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary actions.

Note: A personnel record may not include personal information about another person.

Employees' medical files should be kept separate from their personnel files. This includes medical certifications, doctor's notes, requests for family or medical leave, results of medical exams, and the like. Medical files should be kept under "lock-and-key," with access granted to only those who have a legitimate business need-to-know.

Polygraphs and Physiological exams should not be included in a personnel file.

Proof of Compliance:

1. Copy of written directive describing the files, if any, **and**
2. Observation of sworn officer's files for compliance (On-Site)

CHAPTER 3

TRAINING

Police agencies are held accountable both by their community and by the courts for their actions. Employees' actions are guided by clearly written policy, adequate supervision, and training. The Maine Criminal Justice Academy Board of Trustees prescribes the minimum level of training for both entry into law enforcement operations and for continuing education after employed. These standards ensure these training mandates are completed and appropriate records are kept proving the appropriate training was conducted.

3.01 Annual Firearms Qualifications and Training (E)

The Agency has a written directive requiring an agency to conduct at a minimum one (1) firearms training session per year, which must be an approved MCJABOT qualification course led by an MCJA certified instructor for all department-authorized firearms utilized by the officer.

Discussion: The written directive must require qualification with ALL firearms carried or used by an officer including handguns, rifles, back-up firearms, while on-duty etc.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Level 4 Training

3.02 Use of Deadly Force Training (E)

The agency has a written directive on training its sworn personnel at least annually in the proper use of deadly force.

Discussion: This deadly force training shall consist of a review of the deadly force policy of the department and other scenario-based training programs. Many agencies conduct this training as part of their annual firearms qualification, but it can be done at any time during the year.

Proof of Compliance:

Copy of written directive, **and** Proof of Level 2

3.03 Annual Inspection of Firearms (E)

The Agency has a written directive that requires the annual inspections of all authorized firearms by a designated person for proper functioning. This inspection may take place during firearms qualifications.

Discussion: Most agencies have the inspection conducted at the annual qualification after firing. Proof must clearly show each firearm (by serial number or other identifier) was inspected.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of inspection documentation

3.04 Use of Force Training and Proficiency for Less Lethal Weapons (E)

The Agency has a written directive that requires all personnel, who are authorized to use less lethal weapons (including CEW (Conducted Energy Weapon), pepper spray, batons, etc.), to be trained at least biennial and demonstrate proficiency for those weapons. The required training should be conducted by instructors having appropriate certification for the weapon or by instructors utilizing instructional materials for that weapon.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 3 and 4 training in authorized Less Lethal Weapons, and proficiency, within last two years.

3.05 Training Records (EV)

The Agency has a written directive which describes its employee training records system which is in accordance with Maine statute (Title 25: INTERNAL SECURITY AND PUBLIC SAFETY, Title 25: INTERNAL SECURITY AND PUBLIC SAFETY, §2804-E. In-service law enforcement training https://legislature.maine.gov/statutes/25/title25sec2804-E.html or other rules and regulations for appropriate personnel.

Discussion: This standard requires training records be maintained to ensure officers are fulfilling required MCJA training requirements. For clarification, each officer's individual record must be kept. In addition, if the agency provides any training in-house, the agency must maintain copies of lesson plans as well as attendance records of classes.

Training records for non-sworn must also be addressed in the directive and maintained.

Proof of Compliance:

1. Copy of written directive, **or**
2. Copy of individual officer training records, **and**
3. Copy of non-sworn training record, **and**
4. Observation of Training files (On-Site)

3.06 In-Service Sworn Officer Training (E)

The Agency has a written directive that requires in service training or refresher training for all SWORN personnel employed/appointed by the agency, in accordance with training mandated by Maine Law or MCJABOT standards, and any other training designated by the Agency. This must include training in Maine laws of arrest including when arrests can be made without a warrant, laws related to search and seizure including when searches can be made without a warrant, and self-defense tactics. The Board of Trustees is required by law to revoke the certificate of any officer who fails to meet the training requirements.

Discussion: In addition to the 20 hours of mandatory subject area training for each training cycle, every officer must complete an additional 20 hours of elective training as approved by the CLEO of the employing agency. This training must take place between January 1st and December 31st of each fiscal year.

If an officer is hired after October 1st in the first year of a two-year training cycle, the officer is required to complete the 10 hours of mandated subject area training for that year, as well as the 10 hours of mandated subject area training for the following year, and 10 hours of elective training by the end of the two-year training cycle. If an officer is hired after October 1st in the second year of a training cycle, the officer must complete only the 10 hours of mandated subject area training for that year.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of successful completion of MCJABOT required in-service training.

3.07 In-Service Non-Sworn Training (E)

The Agency has a written directive which identifies the non-sworn positions, including volunteer positions that have any required state or agency pre-service and/or in-service training or certifications and provides the necessary training.

Discussion: The written directive should clearly identify the non-sworn positions that require training and what training is required for those positions.

Proof of Compliance:

1. Copy of written directive identifying non-sworn or volunteer positions which require pre-hire or in-service training or certifications, **and**
2. Copy of training records or certificates for training of these members. **and**
3. Level of training as required by State Law or Agency rule

3.08 Supervisor Training (E)

The Agency provides for training for newly promoted supervisors/commanders appropriate to their progression in rank position/rank within 12 months of promotion.

Discussion: This training applies to all ranks below the CLEO in the department. ***Depending on the organization rank structure*** newly promoted sworn supervisors or commanders, (not just the initial supervisory rank) should be provided training "appropriate to their position/rank" and the training shall take place within 12 months prior to or after promotion.

Proof of Compliance:

1. Proof of Level 3 training for all ranks below the CLEO within 12 months of promotion.

3.09 SWAT / Special Response Team Training (E)

If the Agency participates in a SWAT / SRT, a written directive establishes the criteria for training, and specifies the frequency of training for emergency response team members. The minimum level of basic training is completion of the State approved Basic SWAT school or the equivalent **within one year of being selected to a SWAT / SRT team**. The level of continuing training is left to the determination of the agency; however, some continual annual training must be required by policy and proof of completing that level of training must be shown.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 4 training in basic SWAT/SRT operations

3.10 Crisis Negotiator Training (E)

If the Agency has a crisis negotiator, a written directive establishes the criteria for training, and specifies the frequency of training for crisis negotiators.

Discussion: The minimum level of basic training is completion of the State approved Basic Hostage Negotiation school or the equivalent before active participation in an operation. The level of continuing training is left to the determination of the agency, however that training must be required by policy and proof of completing that level of training must be shown.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 3 training

3.11 Field Training Program (E)

The Agency has a minimum of 360 hours of a field training program for sworn personnel (full-time and reserve officer). The program must:

A. Require training be conducted by a designated field training officer(s).
B. Be divided into phases of training based on departmental needs.
C. Require newly certified and inexperienced officers to complete all phases of the training program prior to operating as a "solo officer".
D. May allow recently hired experienced officers to have the phases reduced but should include at a minimum, operational procedures, and directives specific to that Agency.

Discussion: None

Proof of Compliance:

1. Copy of written directive (May be separate FTO Program Manual), **and**
2. Copy of training records showing multiple phases and length.

3.12 Field Training Officer Training (E)

The Agency has a written directive which requires that all Field Training officers attend a Field Training course, either the MCJABOT approved course or an equivalent course prior to assuming FTO/PTO responsibilities.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Level 3 training

3.13 Field Training Officer Process Review (E)

The Agency has a written directive which requires that all Field Training/Police Training officers conduct a process review of Field Training program on a schedule and format determined by the Agency. The review will be documented and will include at least any changes in directives and procedures.

Discussion: This "Process Review" is a meeting of all FTOS for a discussion or refresher program or updating of Field Training Officers in changes in departmental policy, changes, or modifications to the FTO program operation, and an opportunity to discuss training problems and offer input into program improvement. It should be scheduled as often as the agency believes necessary (usually annually) for proper program operation but might also allow for "called" meetings when specific issues arise. These meeting should be documented in writing and attendance recorded.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of any written documentation for the Agency process reviews, **or**
3. Copy of summary of process review on written department schedule.

3.14 Training Evaluations (EV)

The Agency has a written directive that requires new officers, while in the Field Training Program, receive at least weekly evaluations by the F.T.O. The evaluation will be reviewed with the new officer and the F.T.O. and maintained on file by the agency.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of at least weekly documented review by new officer and FTO, **or**
3. Observation of Field Training files (On-Site)

3.15 Training Rotations (E)

The Agency has a written directive that requires each recruit rotate to at least one different shift during training. The recruit should rotate to at least one different FTO, if possible, during the training program.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof showing rotation to at least one different shift (Copy of Daily Evaluation Form), **and**
3. Proof showing rotation to at least one different FTO (Copy of Daily Evaluation Form)

3.16 Background Investigator Training (E)

The Agency requires that personnel conducting applicant background investigations have training in conducting the required investigations prior to conducting applicant backgrounds. This requirement may be a formal class or a standard full outline or other specific written document that is required to be followed on any background investigation.

Discussion: Training requires attendance to Background Investigations class or copy of detailed instructions (or manual) for completing background investigations.

Agencies that do not have access to Background Investigator Training can meet this standard by requiring those assigned to conduct background investigations utilize a

Background Manual (available for department editing in the Sample Manual) and complete their report in a particular format.

Proof of Compliance:

1. Proof of Level 3 training, **or**
2. Copy of any written outline or document required to be followed on every investigation.

3.17 Required Emergency Communication Specialists (ECS) Training (EV)

If the Agency operates a communications center or PSAP the agency will have a written directive related to the operations of the telecommunications center and will ensure its personnel are trained in the directive, operations of utilized equipment, department policy and procedure related to the telecommunications center, and ensure ECS obtain within six months of their start date the five mandated training courses: Emergency Telecommunication Course (ETC), Emergency Medical Dispatch (EMD), Cardiopulmonary Resuscitation (CPR), E911, and Computer Terminal Operator (CTO). (Department policy must be reviewed annually).

Discussion: Not applicable

Training in familiarity with department operations may be some form of formal training or by the provision and discussion of a departmental operations manual or policy. Proof of departmental operations training is required.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 3 training in operation of equipment and industry practice, **and**
4. Observe Communication Specialists using the equipment, (On-Site) **and**
5. Interviews with Communication Specialists (On-Site)

3.18 CLEO Training (E)

The CLEO of the Agency must meet all the minimum standards for a law enforcement officer in the state of Maine within one year of service. This standard is for individuals that come from **out of state** and are required to obtain a waiver from the Maine Criminal Justice Board of Trustees.

Discussion: None.

Proof of Compliance:

1. Proof of Level 3 Training

3.19 Internal Affairs Investigator Training (E)

The Agency requires that personnel who conduct Internal Affairs Investigations for serious and/or gross deviation of policy and/or law, that could potentially result in demotion, termination or criminal charges has received training in conducting the internal investigations.

Discussion: None

Proof of Compliance:

1. Copy of written directive, and
2. Proof of Level 3 training

CHAPTER 4

PERSONNEL

Employees are an agency's most asset and selection of the most competent employees available is critical to the success of the agency's mission. The selection of employees must be non-discriminatory, job-related, and administered in a fair and consistent manner. Continuing evaluation of employees is also necessary to ensure consistent direction of employee's efforts toward agency goals.

Good employee relations are also necessary to retain competent employees and provide for their continued growth and development. Whether "at will" or union, agencies must have clear procedures to ensure fairness in promotional opportunities.

4.01 Employee Selection Procedures (E)

The Agency has a written selection process that details all elements of the selection process for both sworn and non-sworn applicants and requires those elements to be administered in a fair and consistent manner. Applicants for sworn and non-sworn positions must meet any legal requirements to hold their positions (i.e., sworn staff must meet MCJABOT minimum standards).

Discussion: A written directive on the process or steps in the process to become a member of the agency for BOTH sworn and non-sworn. The non-sworn process may be outlined in a Town/City/State Personnel Manual.

The written directive should in some manner indicate that the process is to be administered in a fair and consistent manner.

Proof of Compliance:

1. Copy of written directive (department policy, applicant handout, or brochure) (Must meet MCJABOT standards for Sworn. Must also have selection process for non-sworn.)

4.02 Polygraph Examinations (EV)

The Agency has a written directive which specifies the requirement to use a polygraph in the selection process; personnel who administer the test and evaluate the results must be trained and or certified in the use and testing with the instrument.

Discussion: This requirement applies regardless of whether the examiner is a member of the agency, a member of another agency, or independent contractor for the agency. This requirement is for all sworn personnel (full or part-time).

Proof of Compliance:

1. Copy of the written directive for the use of a polygraph,
2. Copy of completed polygraphs (**Onsite**), and
3. Proof of Level 3 Training of Operator (certification or other proof)

4.03 Background Investigations for Selection of Employees (EV)

The Agency has a written directive that specifies the scope of the background investigation to be conducted on all sworn and non-sworn applicants prior to or following a conditional offer of employment.

A. Verification of qualifying credentials.
B. Criminal history report.
C. Verification of personal and professional references.
D. Education verification.
E. Employment history verification.
F. A review of relevant national or state decertification records if available; and
G. Consistent with the First Amendment and all applicable laws, a check of publicly available Internet and information sharing sites to identify activity that promotes or supports unlawful violence or unlawful bias against persons based on race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability.

Discussion: The agency written directive should clearly detail the items to be investigated for both sworn and non-sworn members of the department. The directive must include those items required by MCJABOT for sworn officers.

Proof of Compliance:

1. Copy of any written directive describing the background investigation process, **and**
2. Copy of a background investigation file (sworn and non-sworn) (On-Site) **or**
3. Copy of a completed and signed by the CLEO the MCJA Pre-employment Polygraph Report Form that was submitted to the entrance to the BLETP Academy (E)

4.04 Disposition of Selection Records of Applicants (E)

The Agency has a written directive that determines the retention and disposition of all applicants records for sworn and non-sworn employees (this includes those selected or not selected for hire).

Discussion: Agencies must clearly state in their written directive where selection records are kept (who maintains them) and how long they are retained for BOTH those individuals hired (usually kept in Personnel file) and for those not hired (usually kept by either department or city Human Resources for a period not less than the statute of limitations

for filing a lawsuit.)

Agencies may state in their directives that applicant records will be maintained in compliance with the city or organization's Record Retention Schedule and provide a copy which shows the schedule for applicant records (both hired and not hired).

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of Records Retention Schedule (if not referenced in policy), **and**
3. Photo of file locations **or**
4. View files (Onsite)

4.05 Off-Duty Employment (E)

The Agency has a written directive that specifies the criteria for off duty employment. The Directive must:

A. Address who is authorized to work off duty employment.
B. State the types of employment prohibited by the agency.
C. Include the approval procedure for off-duty employment.

Discussion: The written directive should clearly indicate who is eligible to work off duty law enforcement type jobs (usually sworn officers who have completed field training and are in good standing with the department); any prohibitions on the types of jobs that cannot be worked; and describe the approval process for working the jobs.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of request for appropriate approval of off duty work.

4.06 Promotional Process (E)

The Agency has a written directive that describes the components of the promotional process, which may include any applicable qualifications, announcements, any testing procedures, grading, and any appeal process.

Discussion: This standard does not require an agency to create or use any specific process, however, whatever process is used within the agency must be clearly described in the written directive. If the agency changes their process or allows the CLEO to determine the process each time a vacancy occurs, the agency must clearly state that fact and describe how employees will be advised and how far in advance of any selection process.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of promotional process announcement.

4.07 Promotional Eligibility Lists (E)

If the Agency establishes a promotional eligibility list, a written directive specifies the duration of the list.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of eligibility list.

4.08 Annual Performance Evaluations (EV)

The Agency has a written directive that requires at a minimum, annual performance evaluations as well as "as needed" performance evaluations based on known performance that fails to meet minimum performance standards established by the agency. This should include but not be limited to the following:

A. For officers, an assessment of adherence to agency policies.
B. For supervisors, an assessment of effectiveness in addressing misconduct by officers they supervise.

Performance evaluations must cover a specific period not to extend beyond one year.

Discussion: This standard refers to all ranks below the CLEO in the department. The written directive must clearly require annual and "as needed" performance evaluations and indicate when they are to be done.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of performance evaluation showing review with the employee, and showing evaluations over a specific time (On-Site)

4.09 Performance Evaluation Training (E)

The Agency trains supervisors in evaluating personnel performance and in conducting performance discussions.

Discussion: Supervisors should receive training before being allowed to evaluate subordinates.

Proof of Compliance:

1. Proof of Level 2 training

4.10 Employee Safety and Crash Prevention (E)

The agency has a written directive regarding employee safety including crash and injury investigation and prevention. The directive includes:

A. A requirement for the reporting, investigation, and review of all employees involved vehicle crash and personal injuries occurring on-duty or in city vehicles,
B. An annual review and report of all crashes and injuries, by cause, with recommendations for reduction, and
C. A departmental safety training program for all employees in accordance with Bureau of Labor Standards.

Discussion: The agency may determine the severity level of injury or crashes requiring reporting, investigation, and review. This might be the level where a Workers Compensation report is required for personal injuries and a certain property damage threshold for vehicle crashes. There must be a requirement that all crashes that meet that threshold and all injuries be reported immediately and investigated.

The annual review should be more than a simple counting and sorting and should include any recommendations for changes in policy, training, or equipment to reduce crashes or injuries.

While a higher level of training is always encouraged, the training portion of this standard may be met by showing that officers have received Roll-call Training or a formal Training Bulletin, watched a video, received a copy of a policy which was discussed with or by a Supervisor, or received a copy of a policy and been tested over its content. Proof will be officer's signature or initials on receipt or test document.

While this training requirement can be met by one training class or program, the results of the annual reviews may indicate a need for different or updated training.

The CLEO should review this annual report and sign and date the report to show it was received and reviewed.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of a crash or injury report complying with written directive (with results of investigation and review by supervisory staff.) (if any), **and**
4. Copy of an annual review with recommendations, **OR**

5. If a municipality is a member of Maine Municipal Associations SHAPE program.

4.11 Recruitment Plan (E)

The agency has a recruitment plan for full-time, sworn officers. The recruitment plan shall outline steps to:

A. Hire officers who are representative of the communities they are sworn to serve; and
B. Recruit persons who live in or are from these communities, if applicable laws and collecting bargaining agreements allow.

Discussion: N/A

Proof of Compliance

1. Annual Recruit Plan

4.12 Employee Wellness (E)

The agency encourages officer wellness through written directives. This includes support for employees experiencing substance use disorders, mental health issues, or trauma from their duties, as well as suicide prevention.

Discussion: Law Enforcement has been recognized as one of the most stressful occupations in the world. Officers have more stress-related physical complaints and psychological problems than workers in most other professions and are exposed to more acute and chronic life-stresses. This work-related stress results in increased rates of heart disease, stomach disorders, alcohol/drug abuse, divorce and suicide, as compared to the general population.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

4.13 Early Intervention System (E)

The agency has a written directive implementing an early intervention system or other risk management tools that, at a minimum, enable supervisors to identify problematic conduct

and conduct appropriate interventions to help prevent avoidable uses of force.

Discussion: None

Proof of Compliance:

1. Copy of written directive, and
2. Proof of Receipt of Policy (Level 1 Training)

4.14 Personnel Critical Incident Data Collection (E)

The agency has written directives on the collection of data regarding officer suicides, officer misconduct, use of force, officers killed and assaulted, crime incidents and deaths in custody.

In addition, the agency is submitting or actively working towards their ability to submit data to the following data collection efforts:

A. FBI's Law Enforcement Suicide Data Collection.
B. National Law Enforcement Accountability Database (when operational).
C. FBI's National Use of Force Data Collection.
D. FBI's Law Enforcement Officers Killed and Assaulted Data Collection.
E. FBI's National Incident-Based Reporting System, including hate crime data; and
F. Office of Justice Program's Deaths in Custody Reporting Act Data Collection.

Discussion: None

Proof of Compliance

1. Copy of written directive, and
2. Annual report of Personnel Involved Critical Incident data

CHAPTER 5

RECORDS AND INFORMATION MANAGEMENT

Proper handling of agency records is critical to the successful prosecution of individuals charged with crimes and to provide the agency with the information to effectively manage its operations. Agencies must comply with the provisions of State and Federal law regarding Public Information and the Retention Schedule for Records of Public Safety Agencies.

5.01 Privacy and Security of Records (EV)

The Agency has a written directive complying with applicable law for the privacy and security of records and provides appropriate training for the Agency designee responsible for records management. Records must be kept in a secure manner All personnel must meet Criminal Justice Information Services (CJIS) requirements.

Discussion: Privacy and security of records requires departmental records such as offense reports, arrest reports, criminal history reports, and other sensitive reports must be secured to prevent unauthorized access. This does not mean simply in a secure portion of the police building. Records must be maintained in a locked room or locked cabinets with only authorized persons having access.

The person charged with maintaining the records must clearly be identified in the directive and proof of training provided.

All personnel must meet Criminal Justice Information Services (CJIS) requirements.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Level 1 training, **and**
3. Proof of Level 2 training **and**
4. Observation of security of records (On-Site)

5.02 Records Retention (E)

The Agency has a written directive for the life cycle management of records in compliance with state law. If the agency maintains juvenile records, fingerprints, photographs, or a gang intelligence database, these records are addressed in the life cycle management plan.

Discussion: The Accreditation program does not require that agencies destroy any records, however any records that are destroyed must be done in accordance with the law. If records are not destroyed, they must be kept secure. A retention schedule for the State of Maine can be found at

http://maine.gov/sos/arc/records/state/generalschedules.html

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of records retention plan or procedures if not in policy.

5.03 Release of Information (E)

The Agency has a written directive, in accordance with current law, regarding the release of information and open records requests, and provides training to appropriate employees.

Discussion: Department policy should clearly address what information in police reports is releasable and what is not to be released. The policy should also address who is responsible for releasing information and/or responding to open records requests.

Proof of Compliance:

1. Copy of written directive, (should address what information is releasable and what is not, and who is responsible for releasing information from police reports,) **and**
2. Proof of Receipt of Policy (Level 1 Training) of appropriate personnel.

5.04 Public Information Officer (P.I.O.) (E)

The Agency has a designated person(s) to release information to the news media and the public about cases or investigations. The designated person will have some type of training prior to releasing public information.

Discussion:

Proof of Compliance:

1. Copy of document appointing or informing agency who is P.I.O., **and**
2. Proof of Level 3 training.

CHAPTER 6

USE OF FORCE

Law enforcement agencies are the only function of government authorized to use force against a citizen. Officers are sworn to intervene in circumstances to keep the peace in their jurisdiction and in doing so must sometimes resort to the use of force when other means fail. This authority to use force is granted by the people of a community with the full expectation that it will be used appropriately. It is therefore the obligation that professional police organizations review and examine their Use of Force to ensure that it is utilized only in conformance with the law, departmental policies, and community expectations.

6.01 Authorization to Use Force (E)

The Agency has a written directive that authorizes designated employees to use only the physical force that is reasonable to achieve the desired legal objective. Requires **annual** training in authorization of force.

Discussion: This requirement is to ensure Accredited Agencies only allow officers to use the minimum force necessary to achieve a legal objective.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training, **and**
4. Review any appropriate disciplinary actions (if any) and use of force reports.

6.02 Authorization of Deadly Force (E)

The Agency has a written directive that authorizes police officers to use deadly force when the officer reasonably believes that there is imminent threat of serious bodily injury or death to his or her life, or a third person. Requires **annual** training in deadly force.

Discussion: The legal standard adopted by the courts in Tennessee v. Garner and Graham v. Connor is used to determine authorization of deadly force.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training, **and**
4. Review any use of deadly force incidents (if any)

6.03 Use of Force Documentation and Review (E)

The Agency has a written directive requiring completion of a specific administrative form to document each incident involving Use of Force by agency personnel. Agency Supervisory Personnel are required to review each incident as it occurs for policy, training, and legal compliance. The form may be electronic, or paper and the format will be designated by the agency.

Discussion: This standard requires a special "Use of Force" form that is created by the department and used to report use of force at a level defined by the agency. Agencies are required to use this form any time an officer uses any form of physical force against active resistance, or points a firearm, less-lethal weapon, and/or Electronic Control Weapon (ECD) at a citizen. The form must have a review process where supervisors review the actions to determine if the officer was appropriate in the use of force.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of two completed "Use of Force Reports" forms per year.

6.04 Weapons and Ammunition (E)

The Agency has a written directive to authorize the types of weapons and ammunition approved for use by the department.

Discussion: The intent of this standard is to ensure that the CLEO is aware of and has approved all weapons and ammunition used by the department. This standard requires a specific list of the issued or approved weapons (such as Glock, Sig Sauer, Smith, and Wesson, etc.) and the approved or issued calibers. The list should include all firearms issued or approved by the agency including specialized weapons used by a Special Operations team.

If the agency allows different back-up ~~ns~~, these weapons must also be listed. (it is permissible on back-up or to state that any weapon of a reliable make as determined by the CLEO or their designee. Clearly, officers must also train and qualify with these weapons annually and all weapons authorized for carry, including back-up and off-duty, should be documented by make, model and serial number and qualification date, by the department.)

The agency must also list approved ammunition (such as Gold Dot 150g hollow point, or Federal, Speer, etc.).

If the agency believes that approved weapons or ammunition may change frequently, the approved list can be referred to in policy and issued as a memorandum or letter to

all personnel from the CLEO or their designee.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of list of weapons and ammunition (if not contained in directive)

6.05 Carrying and Use of Weapons, On and Off Duty (E)

The Agency has a written directive notifying personnel when they are authorized to legally carry and use a weapon both on-duty.

Discussion: The written directive should clearly state when officers may carry firearms both on and off duty and any restrictions.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) and,
3. Copy of the weapon log for each authorized member.

6.07 Medical Aid after Using Force (E)

The Agency has a written directive instructing personnel in providing first aid (to the extent trained) for anyone injured, or reporting an injury, after force has been applied. Requires annual training when medical aid should be rendered.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of report showing medical assistance was requested when needed.

6.08 Removal from Line Duty after Using Deadly Force (E)

The Agency has a written directive for relieving any employee from the line of duty who has used deadly force (that force substantially likely to cause death or serious bodily injury).

Discussion: This standard requires the removal of officers from line duty after they have used any type of Deadly Force. Line duty is defined as any enforcement position. CLEO may assign the officer to non-enforcement duties until the administrative review is completed.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of notice to officer when relieved of duty pending review, if occurred

6.09 Warning Shots (E)

The Agency has a written directive governing warning shot.
Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**

6.10 Annual Use of Force Report (E)

The Agency prepares an annual report on Use of Force incidents that is sent to the CLEO or their designee. The contents of the report will be designated by the Agency and the report should identify any trends in the use of force by agency personnel, training needs, equipment needs, or policy revisions.

Discussion: The intent of this standard is to attempt to reduce the overall use of force exercised by an agency when appropriate. While officers must sometimes resort to the use of physical force to accomplish their objective, each use of force places the officer as well as the subject at risk of injury. This report, therefore, should be an analysis, not just counting and sorting of the incidents. The report should lead to conclusions about the agency's use of force and whether any policies need revision, any additional training is needed, or any changes made in equipment or methods of operation or response.

Depending on the number of incidents and the information collected when force is used, departments should consider reviewing such items as: what actions are reportable, how many were reported, is this an increase or decrease overall, were all reviewed appropriately, what types of force was used, was the force effective and if not why, the locations where the force was used, type premises, number of officers present, which officers used force, precipitating events, type of offense or arrest, and alcohol involvement. These are only a few of the items which can be reviewed to determine if policy issues need to be addressed, additional training developed, or different equipment acquired.

Proof of Compliance:

1. Copy of annual report. **and**
2. Copy of any action taken because of identifying any trends, training or equipment needs, or policy revisions.

6.11 De-escalation techniques (E)

The agency has a written directive stating that officers should employ de-escalation techniques when possible but may use force that is objectively reasonable to accomplish lawful objectives. Requires annual training in de-escalation techniques.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), and
3. Proof of Level 2 Training

6.12 Duty to Intervene (E)

An agency has a written directive that establishes the affirmative duty to intervene, i.e., to prevent or stop, as appropriate, any officer from engaging in excessive force or any other use of force that violates the Constitution, other laws, or agency policy on the reasonable use of force. Requires annual training in duty to intervene.

Discussion: None

Proof of Compliance:

1. Copy of written directive, and
2. Proof of Receipt of Policy (Level 1 Training)
3. Proof of Level 2 Training

CHAPTER 7

LAW ENFORCEMENT OPERATIONS

Basic law enforcement operations have developed over time with input from our community, the courts, professional law enforcement organizations, as well as advancements in technology. The standards provided in this section are the best practices in our industry for law enforcement operations. They ensure agencies are meeting the most basic needs of both their employees and their citizens. Most prominent in this chapter are the standards which ensure an agency protects the rights of those it serves.

7.01 24-Hour Law Enforcement Response to Emergency Situations (EV)

If the Agency has 24-hour emergency response responsibility, the Agency responds to requests for law enforcement services 24 hours a day or has arrangements with another law enforcement agency to respond to those requests.

Discussion: None

Proof of Compliance:

1. Observation of 24-hour response, (On-Site) **and**
2. Staffing schedules showing 24-hour staffing, (E) **and**
3. Verify communication and/or telephone calls on emergencies are forwarded to the responding agency if another law enforcement agency is used after hours (On-Site)

7.02 Arrests with a Warrant (E)

The Agency trains appropriate personnel on how to obtain and serve arrest warrants pursuant to applicable law or rule.

Discussion: While no written directive is required, many agencies find it easier to put these instructions into policy form. The training should cover how to obtain an arrest warrant, how to prepare an affidavit (to ensure all exculpatory information is included); when and how to serve a warrant (do you want officers serving a misdemeanor traffic warrant at 3am at a private residence); and what to do with a hazardous warrant such as when you believe the offender may be armed (such as contact a supervisor for review before serving.)

Proof of Compliance:

1. Copy of training lesson plan/material, or written directive, **and**
2. Proof of Level 2 training of officers, **and**
3. Copy of an affidavit for arrest warrant prepared by department member, **and**
4. Copy of offense where arrest with a warrant was executed.

7.03 Arrests without a Warrant (E)

The Agency trains its sworn personnel on when arrests can be made without a warrant pursuant to applicable law or rule.

Discussion: While not required, this training is often put into actual written directive form. It should provide officers with instructions of when they are authorized to make arrests without a warrant. While agencies can refer to the Rules of Criminal Procedure for authority, the department may also want to provide directions of when it is appropriate and inappropriate to make arrests without a warrant.

Officer discretion should be emphasized in the training or written directive authorizing the officer the ability to use his/her discretion to .summons an individual when possible.

Proof of Compliance:

1. Copy of training lesson plan / training material, or written directive, **and**
2. Proof of Level 2 training of officers

7.04 Authority to Arrest Outside Jurisdiction (E)

The Agency trains its sworn personnel on when they have the authority to arrest persons outside their original jurisdiction.

Discussion: None

Proof of Compliance:

1. Copy of training lesson plan / material, or written directive, and
2. Proof of Level 2 Training of sworn personnel.

7.05 Probable Cause Determinations and First Appearances (E)

The Agency trains appropriate personnel in Maine Rules of Criminal Procedure regarding probable cause determinations and prompt first appearances.

Discussion: None

Proof of Compliance:

1. Written Directive, and
2. Level 1 Training, and
3. Proof of Level 2 training, **and**
4. Copy of report showing observance of probable cause determination and first appearance.

7.06 Miranda Warning (E)

The Agency trains its sworn personnel in the use of the Miranda Warnings according to current law.

Discussion: None

Proof of Compliance:

1. Copy of training lesson plan / material, or written directive, **and**
2. Proof of Level 2 training of officers, **and**
3. Copy of department reports showing appropriate use of Miranda Warnings.

7.07 Interrogation (E)

The Agency trains appropriate personnel in methods to conduct an interrogation.

Discussion: Going beyond the legal issues provided in Standard 7.06, this training should cover legal issues regarding the voluntariness of confessions, what officers are prohibited from doing, breaks and access to restrooms, invocation of right to counsel, and how details of the interrogation are to be recorded.

Proof of Compliance:

1. Proof of Level 3 training of appropriate personnel

7.08 Search and Seizure Warrants (E/V)

The Agency has a written directive instructing sworn personnel on Search Warrants and outlines the maintenance of records and safe execution of announced entries and limits the use of unannounced entries, often referred to as “no knock entries,” to those obtained through judicial authorization or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer and/or another person.

The directive includes:

A. How to obtain a search warrant,
B. How to execute a search warrant, and
C. How to return a search warrant

Discussion: The directive must clearly explain how to obtain a search warrant (preparing affidavit, etc.); how and when to execute a search warrant, to include the possibility of a hazardous warrant or facing armed resistance, and how to return a warrant.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) **and**
3. Level 2 training **and**
4. Copy of documentation from executed Search Warrant
5. Log of all Unannounced Warrants **(E)**

7.09 Searches Without A Warrant (E)

The Agency has a written directive describing when searches can be conducted without a warrant, the scope of such searches, and the documenting of such searches in agency reports.

Discussion: This directive should clearly instruct officers in the exceptions to the search warrant requirement (such as incident to arrest, consent, inventory search, emergency, automobile exception, plain view doctrine, etc.) and when it is appropriate to use them.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

7.10 Domestic Violence (E)

a. The Agency has a written directive regarding response to, investigation of, and arrests involving domestic violence and violations of protective orders in compliance with Maine Criminal Law.

b. The directive must state that employees involved in domestic violence will be treated the same as non-employees.

Discussion: The training should cover how to respond to calls, how to investigate when arrests are appropriate, the enforcement of Protective Orders, obtaining Emergency Protective Orders, and providing Victim Assistance Information.

Proof of Compliance:

1. Copy of written Directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

7.11 Preliminary Investigations (E)

The Agency trains appropriate personnel in conducting preliminary investigations.

Discussion: This training should be more than just a statement that patrol officers are responsible for conducting preliminary investigations. It should include steps such as ensuring an offense has been committed, securing the scene, interviewing the

complainant and witnesses, collecting physical evidence (or arranging for the collection), writing a report, etc. This can be in the form of departmental written directives or in training lesson plans with proof of training.

Proof of Compliance:

1. Copy of Written Directive, and
2. Level 1 Training, and
3. Proof of Level 2

7.12 Follow up Investigations (E)

The Agency has a written directive which:

A. Identifies the criteria necessary for a case to be assigned for follow-up investigation, and
B. Identifies how cases are assigned for follow-up investigations and any follow-up reporting, if required.
C. The Agency also requires appropriate personnel to be trained in conducting follow-up investigations.

Discussion: Appropriate personnel might be criminal investigators or supervisors who conduct follow-up investigations.

Proof of Compliance:

1. Copy of written directive and criteria for assigning cases for follow-up and reporting, **and**
2. Proof of Receipt of Policy (Level 1 Training) of officers.

7.13 Informants (EV)

If the Agency uses informants, it will have a written directive to instruct appropriate personnel in the use of informants. The written directive will include:

A. The identification and recruitment requirements, limits on who can be used, and personal interaction with and appropriate use of informants,
B. Payments to informants and necessary documentation,
C. Informant file requirements (index number, history summary of cases, active or inactive status, fingerprints, photograph, current criminal history, biographical information, known associates, prior contacts with department, prior status with other LE agency as CI, statement of motivation, signed informant agreement, statement of expectations, probation parole status, visual confirmation of CI by CLEO or designee, and
D. Informant files will be secured with limited access.

Discussion: The requirement that records be kept secure includes being secured from unauthorized access by agency employees. This requires the records to be kept in

locked cabinets or rooms with only limited access by designated individuals.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 3 training of officers in policy, **and**
4. Copy of documentation of payments to informants, **and**
5. Observation of informant files are secure and have limited access (On-Site)

7.14 Confidential and/or Narcotics Funds and Audits (EV)

If the Agency has confidential and/or narcotics-related funds, there is a written directive for the management of those funds. The written directive will include:

A. Who is responsible and accountable for the maintenance of the funds,
B. How and where the funds will be secured,
C. The procedures for requesting, receiving, and returning unused funds,
D. The documentation of cash transactions, and
E. The auditing of those funds periodically but no less than quarterly

Discussion: The requirement that these funds be kept secure includes being secured from unauthorized access by agency employees. This requires the funds to be kept in locked cabinets or rooms with only limited access by designated individuals. The funds should have some form of a balance sheet or log that assists with the audit process.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) of appropriate personnel, **and**
3. Observe funds are secure and determine level of access, (On-Site) **and**
4. Proof of audits, **and**
5. Proof of tracking of debits and credits to the fund.

7.15 Vehicle Pursuits (E)

The Agency has a written directive for vehicle pursuits and trains appropriate personnel in the pursuit policy **annually**. The written directive includes:

A. The criteria for justification a pursuit,
B. The criteria for prohibited pursuits,
C. The method of conducting a pursuit,
D. The criteria the appropriate personnel authorized to conduct a pursuit,
E. The supervision of a pursuit,
F. The criteria for terminating vehicle pursuits

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training of officers

7.16 Pursuit Documentation (E)

The Agency has a written directive that requires a pursuit report form to be completed after each pursuit. The report is forwarded through the chain of command to the CLEO or their designee. The report must be forwarded to the State Police. The Pursuit report will document at a minimum:

A. The reasons for the pursuit,
B. The personnel involved,
C. The result of the pursuit, to include any injury, damage, or other significant events. An annual report of agency pursuits is prepared for the CLEO or their designee.

Discussion: This standard requires a specialized form designed by the agency. Bullet C. can be met by having specific questions regarding each of these items or using a general "Results of Pursuit" or "other Comments" section on the form.

Supervisors should review the form for compliance with agency directives. The Annual Report of agency pursuits is more than a counting and sorting. The report should identify trends and draw conclusions about the need for policy changes, training, or changes in equipment. If the agency does not engage in pursuits frequently and has less than four or five incidents annually, consideration should be given to reviewing more than one year together to get enough to show specific trends if they exist.

The CLEO should sign and date the form showing proof that he/she has reviewed the report.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of pursuit reports with chain of command review, **and**
3. Copy of annual report with CLEO receipt.

7.17 Non-Emergency and Emergency Response (E)

The Agency has a written directive that differentiates emergency and non-emergency calls for service and states when an Officer is authorized to operate a police vehicle in an emergency manner. The directive must describe the Officers responsibility when operating an emergency vehicle and specifically describe any statutory duties.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

7.18 Crash Investigation (EV)

The Agency has a written directive on conducting crash investigations. The written directive will include:

A. How officers will respond to the scene.
B. Obtaining emergency aid for any victims.
C. Reporting Requirements.
D. Preserving the scene.
E. Taking any enforcement actions.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Interview with staff. (On-site)

7.19 Reflective Vests (EV)

The Agency has a written directive that requires personnel to wear a reflective vest that meets current ANSI/ISEA standards as soon as practical when either directing traffic or working at the scene of a crash.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),
3. Verify officers have access to a vest, (On-Site)

7.20 Roadblocks (E)

If the Agency authorizes the use of roadblocks during pursuits it has written directive and trains appropriate personnel in the use of roadblocks, including when and how roadblocks may be used. Stop sticks or road spikes are not considered roadblocks.

Discussion: This standard intends to address the use of stationary roadblocks during pursuit situations only. If the agency allows roadblocks in any circumstances at all,

the agency must train officers in when it is appropriate to use roadblocks and how to use them safely. “Rolling Roadblocks” should be addressed in the agency’s pursuit policy if used or authorized.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training

7.21 Stop Sticks/Road Spikes (E)

If the Agency authorizes the use of stop sticks/road spikes, it has a written directive and trains its personnel in the use of stop sticks/road spikes, including when and how to safely deploy them.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training

7.22 Seatbelts (EV)

The Agency has a written directive requiring occupants in Agency vehicles to wear a seat belt, as required by Maine law. Prisoners are required to be seat-belted anywhere in the vehicle whenever possible.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observation of personnel using seatbelts when driving Agency vehicles. (On-Site)

7.23 Inspection of Patrol Vehicle and Equipment (E)

The Agency requires personnel to inspect the contents and appearance of patrol vehicles as well as the operability of all Patrol equipment assigned to, or provided for, said vehicle, prior to each assignment or the beginning of each shift.

Discussion: A copy of completed vehicle check sheets is sufficient proof of compliance with this standard if all parts of the standard requirements are covered on

the check sheet.

Agencies with home storage vehicles may require in policy that employees check assigned vehicles prior to each assignment or shift and require a formal report only if any new deficiency is found. Formal reports on mileage, contents, appearance, and operability may be required as needed by the agency but should be addressed in policy.

Proof of Compliance:

1. Requirement in Policy for vehicles to be checked before each assignment or each shift, **and**
2. Proof of Receipt of Policy (Level 1 Training), **or**
3. Copy of vehicle checklist,

7.24 Special Use Equipment (EV)

The Agency has a written directive which requires that any equipment, including vehicles used for special assignments, for other than routine use have a documented readiness inspection at least twice annually.

Discussion: This standard addresses any special use vehicles such as command vehicles, crime scene search vehicles, and equipment such as radar trailers, generators, ~~lighting systems, rescue equipment, weapons and equipment in the armory that is not issued, and emergency operations center equipment is also included.~~

Agencies should take care to identify all special use equipment. If on-site teams identify equipment that should be inspected that is not listed, the agency may have to repair the file during the on-site.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) of appropriate personnel, **and**
3. Observation that equipment is ready to be used, (On-Site) **and**
4. Copy of inspection documentation twice annually

7.25 Alarms (E)

The Agency has a written directive on protocols for responding to alarms by agency personnel. Alarms may include, but are not limited to burglary, robbery, panic, and medical alarms. The written directive includes:

A. Protocols for communication personnel who receive and dispatch the calls, and
B. Procedures for personnel responding to alarms.

Discussion: This written directive could include how alarms are dispatched (audibly or covertly using electronic transmission), officer response procedures, and tactical considerations such as whether officers should approach the location, awaiting cover, calling the location, closing the channel to radio traffic while searching a building,

and whether entry should be made when no one responds to attempted contacts.

Proof of Compliance:

1. Copy of written directive, (includes patrol and communications responses), **and**
2. Proof of Receipt of Policy (Level 1 Training)

7.26 Reserve Officer Program (E)

If the Agency has a Reserve Officer program, a written directive describes the program and designates the types of functions the Reserve Officers will or will not perform.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

7.27 Traffic Enforcement Operations (E)

The Agency has a written directive describing traffic enforcement activities. The written directive includes:

A. The traffic enforcement policy.
B. The availability of officer discretion.
C. Procedure for citation issuance.
D. Under what circumstances a custodial arrest may be made.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

7.28 Civil Process Records (E)

If the agency is required to execute civil process, a written directive provides the direction on maintaining records about the process which includes at a minimum:

A. When the process was received,
B. When service is due,
C. The appropriate court information,
D. The officer assigned, and
E. Documentation of attempts at service if not served by the due date.

Discussion: Civil process. For service of all writs or complaints with summonses, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which are not specified in this section https://legislature.maine.gov/statutes/30-A/title30-Asec421.html

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of civil process record and log.

7.29 Civil Process Procedures (E)

If the agency serves civil process, written directives govern the appropriate methods of service and required actions of the member serving the process.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of report of service of process.

7.30 Sex Offender Registration (E)

If the agency is required to perform sex offender registration, the agency has a written directive which instructs agency personnel in how to conduct the registration process.

Discussion: Agencies which have primary law enforcement jurisdiction for a geographic area are usually responsible for registering sex offenders within that jurisdiction. Agencies should have a written directive that instructs personnel how to conduct that registration process and who to notify after registration.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of a sex offender registration.

7.31 Eyewitness Identification (E)

The agency has a written directive describing procedures for eyewitness identifications and trains appropriate personnel in the administration of live and/or photographic

lineups. The written directive shall include at minimum:

A. The composition and presentation process for live or photographic line-ups designed to prevent opportunities to influence the witness, and
B. The prescribed instructions to witnesses including a statement that the suspect may or may not be in the line-up, and documentation of the results, and
C. The procedures to be used in administration to the deaf and illiterate or those with limited English language proficiency, and
D. When it is appropriate to use on-scene identifications.

Discussion: If a local District Attorney has issued written instructions on the procedures for eyewitness identifications, these instructions will meet this standard. Proof of training will still be required.

Proof of Compliance:

1. Copy of written directive (that meets all parts of standard), **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training of appropriate officers, **and**
4. Copy of documentation from an eyewitness identification.

7.32 Missing Persons (E)

The agency has a written directive on the handling of missing persons. The written directive includes:

A. No requirement for a waiting period, and
B. The initial investigation process, internal reporting and notification requirements, and external reporting to required entities including entry into ACIC/NCIC, and
C. Special investigative considerations for unusual circumstances and at-risk missing persons (i.e., children, elderly, evidence of abduction, mentally ill, etc.), and
D. The use of electronic alert systems if available to the agency

Discussion: Special considerations concerning children, or the elderly should include such things as notification of additional resources, assigning personnel to remain on case until resolved, public notifications, or use of tip lines.

Electronic alert systems include such programs as Amber/Silver Alerts or other available systems.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) of personnel, **and**
3. Copy of missing persons offense report showing policy followed.

7.33 Protective Custody (E)

The agency has a written directive on taking a person into protective custody as defined by law and as defined in Appendix C.

A. May take the person into protective custody.
B. If the officer does take the person into protective custody, shall deliver the person forthwith for examination by an available licensed physician or licensed clinical psychologist, as provided in 34-B, M.R.S.A., Section 3863.

Discussion:

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) of appropriate personnel, **and**
3. Copy of protective custody offense report showing policy followed.

7.34 In-Car and/or Body-Worn Audio/Video (E)

If the agency employs in-car and/or body-worn cameras, a written directive includes:

A. Policy statement on purpose and organizations reasoning for its use.
B. Requirements and restrictions for activation and deactivation of the device.
C. Criminal and administrative use of camera captured data.
D. Data storage and retention requirements.
E. Equipment maintenance and inspection procedures.
F. Training requirements for users and supervisors; and
G. Requirements for documented review of camera captured data including frequency and quantity.

Discussion: The use of in-car and/or body-worn audio/video recording devices within the general operational police environment provides a potentially valuable resource for law enforcement agencies in the delivery of services. Additionally, information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) of appropriate personnel.

CHAPTER 8

UNUSUAL SITUATIONS

Most police work is routine even though it may involve a crime of violence. However, some situations are of such a critical nature or are of such a magnitude that special responses are necessary. These may include barricaded subjects, bomb threats, or even natural disasters. Prior planning and training for these events and sound policy on how they should be handled is critical to the successful conclusion of an event. Standards in this section address the most critical of these situations.

8.01 Barricaded Suspect and/or Hostage Incidents (E)

The Agency has a written directive instructing personnel how to respond to a barricaded suspect or hostage incident which includes:

A. Responding to the scene,
B. Determining the nature of the event and securing the scene,
C. Calling appropriate assistance and/or supervision, and
D. Evacuating or protecting bystanders

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of after-action reports if any.

8.02 Bomb Threats and Responding to Bomb Incidents (E)

The Agency has a written directive instructing personnel how to receive, document, and respond to bomb threats and actual bomb incidents.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of any offense reports or after-action reports.

8.03 Hostage Negotiations (E)

If the Agency has certified Hostage Negotiators, a written directive establishes the criteria for the selection of hostage negotiators.

Discussion: Some agencies may use a detailed selection process including interviews by contracted psychologists. Smaller agencies may simply advertise the vacancy and the CLEO may select the person who he/she believes would do the best job. Regardless of the process used (and using psychological expertise input is recommended) the process needs to be clearly described in policy.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),
3. Copy of any recent selection process, if any.

8.04 Tactical Team (EV)

If the Agency has a certified Tactical Team or has an agency member on a team, a written directive must establish:

A. Criteria for selection of members,
B. Situations/Circumstances to which the team will respond,
C. Required certifications and continued training of all team members,
D. Use of a risk assessment matrix and preapproved operations plan for SWAT and SRT teams,
E. A requirement for less lethal options,
F. Documented inspection of equipment annually that has been assigned to the individual,
G. Provisions for medical care for team members,
H. Requires an after-action report of Tactical Team Events related to SWAT / SRT, and
I. Team meets all requirements outlined by the MCJA in specification S-39.

Discussion: The quarterly inspection of this specialized equipment is required regardless of if it is assigned to individual officers and carried in their squad car or stored in a department facility. All Tactical Team equipment and specialized weapons, and equipment should be inspected.

Proof of Compliance:

1. Copy of approving documentation, **and**
2. Observation of equipment designated by the agency, if available, (On-Site) **or**, a s signed equipment inventory list of equipment assigned to a team member, **and**
3. Copy of annual documented inspections.
4. Proof Receipt of MCJA Certification

8.05 Emergency Operations Plan (EV)

The Agency has a written Emergency Operations Plan or is included in a city/county Emergency Operations Plan. The plan is accessible to at least all command level and communications personnel. The department trains appropriate personnel in the plan.

The Plan or other departmental written directive includes provisions for:

A. Civil disturbances,
B. Mass arrests, and
C. Response to natural and manmade disasters.

Discussion: Most County Emergency Operations Plans provide for law enforcement response to natural and manmade disasters. Few, however, have provisions for mass arrests or how to respond to civil disturbances. Agencies who wish to use the County Plan as their Emergency Response Plan should add sections on mass arrests and the procedures for handling Civil Disturbances to their Patrol Standard Operating Procedures or other departmental policies and procedures.

Mass arrests should cover how arrests are made, arrangements for Short-Term Detention Area, report writing process, and how and where prisoners are transported.

Civil disturbances should cover how officers should respond to these incidents and the importance of protecting the rights of the protestors while at the same time ensuring the rights of the public are not infringed upon.

Agencies should ensure Communications personnel and at least Command level personnel have been briefed on the plan and have access to a copy.

Proof of Compliance:

1. Copy of plan for all items required, **and**
2. Proof of Level 1 training **and**
3. Observation that plan is accessible by all command-level personnel and communications personnel (On-Site) **or**
4. Is accessible to all staff via electronic viewing (PowerDMS, MMA University Platform, etc.)

8.06 After Action Report (E)

The Agency has a written directive that requires an after-action report for any natural or man-made disaster, any unusual occurrence as defined by the Agency, and any Emergency Response Team Deployment.

Discussion: After-action reports are usually completed by the commander or other supervisor present at the incident. It will generally cover a description of the event, the plans made, the staffing level and how assignments were made, and any traffic issues.

The most important part of an After-Action Report is a description of the things that went well and the things that should be improved next time. Recommendations are also

made regarding any policy changes needed, staffing and equipment, and planning issues.

Agencies should list in their policy all the types of events where the department wants an After-Action Report completed such as all natural and manmade disasters, barricaded person, or hostage incidents, anytime ERT responds to an incident, any officer involved shooting, and any recurring special event.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of After-Action reports

8.07 Review of Emergency Operations Plan (E)

The Agency must conduct a documented review of the Emergency Operations Plan at least every two years. The review may be a full or partial exercise, a tabletop exercise, or a command/supervisory staff discussion and review of the plan.

Discussion: None

Proof of Compliance:

1. Observation of Emergency Operations Plan review, **and**
2. Copy of documentation of plan reviews

8.10 Hazardous Materials (E)

The Agency has a written directive instructing employees who to contact for immediate response to large scale Hazardous Materials and Biohazard situations.

Discussion: This standard is intended to address only those large-scale events where some decontamination processes are required. The agency is only required to have a written directive informing employees who to contact to respond.

Proof of Compliance:

1. Copy of written directive, **and**
1. Proof of Receipt of Policy (Level 2)

CHAPTER 9

COMMUNICATIONS

Basic communications operations are necessary to provide fast, efficient, and reliable service to the citizens of a community. It is also necessary to ensure the safety of the responding officers and employees. Reliability and access to state and national databases is required to provide officers with the information necessary to do their job and protect them from harm. To this chapter, a communications center is defined as any location where the primary function is to receive and or dispatch calls for service.

9.01 Communication Centers (24-hour access) (V)

If the Agency has 24-hour emergency response responsibility, the Agency has a communications center, or uses a communications center, that is staffed 24 hours a day, 7 days a week for contact by the public.

Discussion: Providing a work schedule for personnel in communications can prove compliance with this standard.

Proof of Compliance:

1. Observation of Communication Center, (On-Site), **and**
2. Copy of staffing schedule, (On-Site) **and**
3. Interview with supervisor. (On-Site)

9.02 Facility Security (EV)

If the Agency operates a communication center, the communications area is secured from the public and allows only those persons designated by the agency to be in the communications area.

Discussion: The agency should indicate in their written directive who is authorized entry.

Proof of Compliance:

1. Observe Communications Division security (On-Site), **and**
2. Interview staff regarding security procedures, **or**
3. Photographs of security measures

9.03 Playback System (V)

The communications center has a playback system for telephones and radios to allow for information to be retrieved when necessary.

Discussion: Radios and all incoming telephone lines where calls are received from citizens are required to be recorded. Immediate playback systems for radio transmissions are encouraged but not required if regular backup is accessible by on-duty dispatchers if needed.

Proof of Compliance:

1. Observe the playback system is functioning properly (On-Site), **and**
2. Interview personnel regarding training in its operation (On-Site)

9.04 Back Up Power Source (V)

The Agency has access to a backup power source, or other alternate means of communications, to maintain operation of radios and telephones during a power failure. The backup power source or alternate means of communication has security measures to prevent unauthorized access or tampering. At least quarterly documented testing of the back-up system is required.

Discussion: If the back-up power source is a generator, then the generator "has security measures to prevent unauthorized access or tampering". This can be achieved by any number of means including fencing with locked or secured gates; locking all access panels and fuel fill caps in some manner to prevent or clearly show evidence of tampering should it occur; or having the generator inside a secured area, such as a fenced back area of a station with secure access and locked panels and fuel fill cap. Having the area monitored by video cameras would provide additional security.

If the back-up system is a battery-operated portable radio or other battery back-up system, the system must also be protected from unauthorized access or tampering. Battery backup systems must provide a minimum of 2 hours of continuous use to allow the agency administration to make alternate arrangements for continuous operations.

Proof of Compliance:

1. Observation of back-up power system, (On-Site) **and**
2. Observation of security measures to protect back –up power, (On-Site)

9.05 Emergency Telephone Number (V)

The Agency has a single emergency telephone number for citizens to obtain emergency police services.

Discussion: The agency may have other administrative numbers which are answered by communications, but the agency should advertise only one number for emergency service.

Proof of Compliance:

1. Observe incoming lines for single emergency contact telephone number for citizens, (On-Site), **or**
2. Internet link (website, Social Media Account, etc.". showing single number for police service (E)

9.06 24-hour Two Way Radio Capability (V)

The Agency has 24-hour two-way radio capability between the Communication Center and police officers on duty in the field.

Discussion: None

Proof of Compliance:

1. Observe radio communication has 24-hour capability (On-Site)

9.07 Access to Criminal Justice Information Systems (V)

The Agency has access to state METRO, NLETS, and NCIC information systems.

Discussion: None

Proof of Compliance:

1. Observe access to systems in communication center or through another agency (On-Site)

CHAPTER 10

PROCESSING AND TRANSPORTATION

Individuals taken into custody must be safely transported to a detention facility and held in a manner that meets constitutional standards. Proper transportation procedures also ensure the safety of officers and detentions personnel. Applicability of these standards depends on the type holding facility an agency employs.

If an agency operates a holding facility where individuals are booked in, locked in a Short-Term Detention Area, and leaves the prisoner alone for any period; the agency must comply with all standards in this chapter. Note: an interrogation room where an officer is always present would not be considered a holding facility unless the officer leaves the building.

If an Agency does not have a locking holding facility, where prisoners are booked in and kept without constant supervision, and instead uses another offsite facility (such as the County Sheriff), they may show most of Chapter 10 as "NA" (Not Applicable), IF the offsite holding facility used is subject to the Maine Department of Corrections Standards for County and Municipal Detention and Correctional Facilities as outlined in 34-A M.R.S.A Section 1208.

Standards Applicable to All Agencies:

- Standards 10.01, 10.02, and 10.03 still apply to the Agency.
- Standard 10.10 still applies to the Agency to the extent that the prisoner's property is cared for until released to the offsite holding facility.
- Standard 10.12 still applies to the Agency to the extent that officers are instructed on how and when to obtain medical aid for a prisoner prior to release to the offsite holding facility.
- If the Agency authorizes strip or body cavity searches before reaching the detention, the Agency must comply with 10.14 and 10.15.
- Standard 10.22 is applicable to the Agency and the Agency must address the standard unless the Agency can show where a receiving offsite holding facility has a policy to comply with the standard.

10.01 Searching and Transport (E)

The Agency has a written directive addressing searching and transporting a detainee before being transported. The written directive includes at a minimum:

A. That all detainees be searched before any transport,
B. The approved methods of how to safely transport detainees,
C. Methods or actions for transporting sick, injured, or disabled detainees,
D. Search of the transporting vehicle before and after the transport,

E. The proper use of any restraining devices, and
F. Monitoring of the detainee to avoid medical difficulties,

Training of agency personnel in searching and transportation of detainees is also required.

Discussion: Policy must require search of transport vehicle before and after transport even if vehicle is searched at the beginning of shift or after last transportation. Policy must require constant monitoring of detainee for medical difficulties.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Proof of Level 2 training of officers in policy

10.02 Notification of Juvenile Community Corrections Officer (JCCO) (E)

The Agency has written directive requiring timely notification of the Juvenile Community Corrections Officer of all juvenile arrests in accordance with Maine Law.

Discussion: None

Proof of Compliance:

1. Copy of written directive or Maine Law, **and**
2. Proof of Receipt of Policy (Level 1 Training)

10.03 Separation of Prisoners (EV)

The Agency provides for the cell separation of male and female prisoners. Under any circumstance the agency requires sight and sound separation between arrested adults and juveniles.

Discussion: None

Proof of Compliance:

1. Observe sight and sound separation for between adult prisoners and juveniles, (On- Site) **and**
2. Copy of directive requiring separation of male and female prisoners if any.

10.04 HOLDING FACILITY (EV)

The Agency has a written directive to instruct personnel regarding the following:

A. How to bring prisoners into the Holding Facility.
B. How cells are mechanically operated,
C. Placement of prisoners in appropriate cells,

D. Any emergency notification or protection system utilized by the Holding Facility.

Discussion: The agency written directive should instruct employees how prisoners are to be brought into the facility and, processed in. Specific information regarding how detention areas are to be operated (mechanical) and the placement of prisoners into certain detention areas should also be covered.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observe operation of Holding Facility (On-Site)

10.05 Access to the Short-Term Detention Area and Holding Facility. (EV)

The Agency has a written directive to control access of non-essential persons to the Detention area.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observe access control procedures (On-Site)

10.07 Fire Protection for Short-Term Detention Area and Holding Facility. (V)

The Agency has a fire protection plan for the Short-Term Detention Area and Holding Facility. At a minimum, the plan should include having fire detection devices and fire extinguishers available for immediate use.

Discussion: A minimum of at least two fire detection devices and at least two properly charged and inspected fire extinguishers are required. The fire detection devices should be able to alert on duty staff without relying on prisoner intervention.

Proof of Compliance:

1. Observe fire detection devices, (On-Site) **and**
2. Observe existence of fire extinguishers or other fire suppression System, (On-Site) **and**
3. Observe fire suppression equipment inspection is current (On-Site)

10.08 Evacuation Plan for Short-Term Detention Area and Holding Facility. (V)

The Agency has a fire evacuation diagram posted in the Detention cell area.

Discussion: This standard requires a diagram showing emergency fire exits be posted in the Short-Term Detention Area and holding facility for easy access and understanding.

Proof of Compliance:

1. Observe plan is posted and visible to personnel (On-Site)

10.09 Prisoner's Property Release (EV)

The Agency has a written directive to secure a prisoner's property and return the property to the prisoner upon release, or if transferred, the prisoner's property may be released to the receiving agency.

Discussion: If agency does not have a detention area and directly transports to a county jail facility, the agency must still have written directive regarding handling of prisoner's property from time of arrest until turning over prisoner to holding agency.

Prisoner's property should be secured from access by unauthorized individuals who might be present in the detention, such as other prisoners, cleaning personnel, and visitors.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observe security procedures for prisoner's property, (On-Site) **and**
4. Observe secure location for prisoner's property (On-Site)

10.10 Prisoner Identification Procedure (EV)

The Agency has a written directive requiring verification of the identity of any prisoner prior to release or transfer.

Discussion:

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training),

10.11 Medical Assistance for Prisoners (EV)

The Agency has written directive instructing personnel how to obtain medical assistance for ill or injured prisoners.

Discussion: If agency does not have detention, the agency must still have a directive

outlining how to obtain medical attention for a prisoner prior to delivery to the holding agency.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of any injured prisoner reports, **and**
4. Interview staff regarding how to summon aid (On-Site)

10.13 Strip Searches (EV)

If the Agency allows strip searches a written directive is required regarding the strip searches of arrested persons that comply with the State of Maine Rule Chapters for the Department of the Attorney General. See https://www1.maine.gov/sos/cec/rules/26/chaps26.htm

Discussion: If the agency does not have a detention area, the agency should have a written directive either prohibiting agency personnel from conducting a strip search or provides direction on process of conducting search prior to delivery of subject to the holding facility. Strip searches should never be conducted in the field but only in a controlled environment, with supervisory approval of each search, and conducted by persons of the same sex.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of any supervisory approved searches, **and**
4. Interview personnel on Strip Search procedures and location (On-Site)

10.14 Body Cavity Searches (EV)

If the Agency allows body cavity searches, a written directive is required regarding body cavity searches of arrested persons that comply with the State of Maine Rule Chapters for the Department of the Attorney General. See https://www1.maine.gov/sos/cec/rules/26/chaps26.htm

Discussion: If the agency does not have a detention, the agency should have a written directive either prohibiting agency personnel from conducting a body cavity search or provides direction on process of conducting search prior to delivery of subject to the holding facility.

Proof of Compliance:

1. Copy of written directive, **and**

2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of any supervisory approved searches, **and**
4. Interview personnel on Body Cavity Search procedures and location (On-Site)

10.15 Short-Term Detention Area and holding facility Key Control (EV)

The agency has a written directive for controlling access to keys and other devices utilized to access detention cells, book-in areas, and other controlled areas within the detention facility.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observation of key control access (On-Site)

10.16 Prisoner Escapes (E)

The Agency has a written directive establishing a procedure to address an event where a prisoner escapes from the custody.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

10.17 Short-Term Detention Area and holding facility Inspection (EV)

The Agency requires a documented physical inspection of the Detention cell area after each use and requires a search of each cell prior to a prisoner being placed in the detention area. The inspection is to determine any security or sanitation concerns and locate any contraband in the Detention cell area.

Discussion: The agency must have a method of documenting an inspection of the Detention cell area at the beginning of each shift checking for sanitation issues and contraband. Detention areas must also be checked prior to placing a prisoner in an area (if the detention area is unoccupied). It does not require the removal of prisoners from a cell and search of the cell when an additional prisoner is being placed into a cell containing other prisoners. For safety, agencies should have policies where cells that are occupied by multiple prisoners for long periods of time are periodically cleared and searched for weapons or contraband.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Review inspection documentation, (On-Site) **and**

4. Observe conduct of inspections. (On-Site)

10.18 Minimum Standards for holding facility (V)

The Agency **holding facility** are equipped with water and toilet facilities except for special purpose cells that require extensive monitoring. Access to food will be provided to prisoners who are detained through normal mealtimes.

Discussion: Holding facilities can have limited number of "special purpose" **holding facility** which may not have water or toilet facilities for combative or inebriated prisoners that are designed to protect the prisoner from harm. Prisoners in these detention areas, however, meet the requirement for observation at a minimum of every 30 minutes.

All other Short-Term Detention Areas must be equipped with water and toilet facilities. Three meals a day must be served although the content of the meals is up to the agency.

Proof of Compliance:

1. Observe access to water and toilet facilities, (On-Site) **and**
2. Observe access to food, if applicable, (On-Site) **and**
3. Interview staff or prisoners regarding access to necessities (On-Site)

10.19 Visual Observation of Prisoners (V)

The Agency requires that agency personnel should visually observe prisoners every 15 minutes as workloads allow but not exceeding one hour. The observation must be documented and can be in person or by a monitored camera system. Documented observations of prisoners who may be considered security risks, suicidal, experiencing unusual behavior, or other causes for concern by agency staff will occur every 15 minutes.

Discussion: Prisoner checks must be documented in some manner that shows proper interval checks.

Proof of Compliance:

1. Observation of prisoner checks conducted at least every hour, (On-Site) **and**
2. Review documentation of prisoner checks, (On-Site) **and**
3. Observation of prisoner checks on prisoners causing concern every 15 minutes. (On-Site)

10.20 Weapons in the Short-Term Detention and holding facility Area (EV)

The Agency does not permit firearms to be carried into the Detention area. Some less-than-lethal weapons, such as pepper spray, may be carried in the area if authorized in a written directive by the Agency.

Discussion: None

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observe approved weapon storage lockers, (On-Site) **and**
4. Verify if any less than lethal weapons are authorized in writing (On-Site)

10.21 Consular Notifications (E)

The Agency has a written directive that requires appropriate consular notification of the arrest of any foreign national from a mandatory reporting country and consular notification of the arrest of any foreign national from a voluntary reporting country if requested by the arrestee. The agency must have a formal book in process that inquires as to the citizenship of the arrested person.

Discussion: Required by United States Treaty. If another agency is responsible for this notification, the Agency may not be responsible and may show this standard as N/A. The Agency should show proof other receiving agency has policy or practice to comply.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copy of arrest document showing individual advised of right or actual consular contact.

CHAPTER 11

COURT SECURITY

Those agencies that provide security for the courts within our judicial system must ensure they are safe to protect the integrity of the criminal justice system. Security systems should be designed to protect not only the physical facilities but all participants in the court proceedings.

11.01 Courthouse/Courtroom Security (EV)

If the Agency provides security for a Courthouse/courtroom, the Agency has written a directive and trains appropriate personnel on security measures, including the carrying of weapons in the courthouse/courtroom, and the use of restraints. The personnel must meet the training requirements set forth in Title 25: Internal Security And Public Safety, Part 8: Maine Criminal Justice Academy, Chapter 341: The Maine Criminal Justice Academy, §2803-A. Powers And Duties Of The Board Of Trustees, 8-B. Training Of Judicial Marshals.

http://legislature.maine.gov/statutes/25/title25sec2803-A.html

Proof of Compliance:

1. Copy of personnel's certifications, **and**
2. Copy of written directive regarding courtroom security, **and**
3. Observations of security measures in the courtroom/courthouse, (On-Site) **and**
4. Observe secured weapon storage area (if required), (On-Site) **and**
5. Observe any special equipment available (magnetometer, special restraints) (On-Site)

11.02 External Communications (V)

If the Agency provides security for a Courthouse/courtroom, at least one means of external communication is available to a member of the court staff for emergency situations.

Discussion: None

Proof of Compliance:

1. Observation and testing of at least one means of external communications (On-Site)

11.03 Emergency Response and Evacuation Plans (V)

If the Agency provides security for a Courthouse/courtroom, the Agency shall have emergency response protocols and evacuation plans for the Courthouse/Courtroom that is reviewed with Court employees at least annually.

Discussion: Proof of compliance with this standard is shown by providing a sign-off sheet where court employees have reviewed the emergency response and evacuation plan for the courtroom.

Proof of Compliance:

1. Observe copy of plans, (On-Site) **and**
2. Observe that plan is reviewed at least annually with Court staff, **or**
3. Copy of sign-off sheet for Court employee review of plan (On-Site)

CHAPTER 12

PROPERTY AND EVIDENCE MANAGEMENT

The proper collection and preservation of evidence is crucial to the accomplishment of any law enforcement mission. Presentation of reliable evidence in court is required for successful prosecution of criminal defendants. The property control function of a department must be beyond reproach and frequent audits, inspections, and inventories are necessary to ensure these high standards are met.

12.01 Property and Evidence – Chain of Custody (EV)

The Agency has a written directive for taking property/evidence into custody, including assets seized for forfeiture, to insure proper inventory, storage, and chain of custody.

Discussion: This written directive should cover the entire Property and Evidence process. It needs to include clear definitions of the types of property and evidence and how it is taken into custody. The directive should also cover security of the actual property room, marking property for identification, the submission process, chain of custody process, intake process by the custodian, packaging and storage procedures, property sign-out procedures for court or laboratory exams, disposal guidelines as well as required inspections and inventories.

If asset forfeiture property or evidence is handled differently in the property room than other items, the procedures for that process should be detailed in the directive.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Observation of property and evidence is safely stored, (On-Site) **and**
4. Observation of proper chain of custody for evidence (On-Site)

12.02 Access to Crime Scene Personnel (EV)

The Agency has on staff, or has access to, an individual (sworn or civilian) who is trained in crime scene investigations.

Discussion: None

Proof of Compliance:

1. Copy of Level 3 training records of investigators,
2. Copy of offense report where trained personnel were called to process a crime scene.

12.03 Property/Evidence Submission (E)

The Agency has a written directive that requires officers that seizes, confiscate or otherwise receiving property item, including, but not limited to, evidence, the officer shall promptly place those items into a secured temporary property storage. Additionally, the written directive should include direction if immediate access to a temporary property storage in not available or reasonable.

Discussion: For some agencies, immediate storage may not always be feasible due to their patrol location in comparison to a temporary or permanent property/evidence storage. Agencies should expressly indicate procedures during these situations.

If such prompt delivery is not feasible, then the officer shall make such delivery of the property item as soon as circumstances allow, but in any case, shall inform the officer's supervisor that the officer has custody of such property item(s) within seventy-two-hour (72) hours of taking custody of the property item(s).

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training)

12.04 Property/Evidence Storage Area Security (EV)

The Agency authorizes by written directive, personnel who can enter the Property/Evidence storage area. The Property and Evidence storage area will be secure, and access will be restricted for any unauthorized personnel unless they are escorted and sign in and out on an access log or other type of tracking system. Property requiring additional security such as Guns, Drugs, and Money will be separate from other property in locked storage areas inside the Property Room.

Doors should be solid core if possible. Hinges must be on the inside of the room so that the door could not easily be removed. Locks must be good quality (not punch the button bathroom door locks that can be opened with a small screwdriver.) Deadbolts are also encouraged. Keys will only be controlled by designated property custodian(s). If the property room is in a separate building that is not staffed 24 hours, it must be alarmed with the alarm reporting to dispatch. Access to the property room must be restricted to Property personnel only. All other personnel should sign in and out on a log or other tracking system.

Other things to improve property room security include alarm systems, and video monitoring.

The directive should include that the area is restricted for unauthorized personnel unless escorted by authorized personnel and must sign in and out on an access log or other tracking system.

Proof of Compliance:

1. Copy of written directive showing who is authorized entry, **and**
2. Proof of Receipt of Policy (Level 1 Training) for appropriate personnel, **and**
3. Observation of access logs or tracking system, (On-Site) **and**
4. Observation of security of the storage area (On-Site)

12.05 Disposal of Property/Evidence (EV)

The Agency has a written directive for the documentation of the disposal of property/evidence stored in the Agency property/evidence storage area which is in accordance with Title 25 Chapter 401 §3501 - §3507.

Discussion: No specific disposal schedule is required. However, documentation of the process used for all disposals, and records of disposed items is required if done.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training) for appropriate personnel, **and**
3. Interview staff on disposal process, (On-Site) **and**
4. Review documentation of disposals (On-Site)

12.06 Release of Property (E)

The Agency has a written directive for the release of property or evidence in the field. The policy should detail when and how items may be released to the complainant or owner when practical without compromising a case. All releases will be documented and signed for on a property/evidence release form.

Discussion: The Property Release Form is a document that is retained as proof that the officer released the property. The form can be a multi-purpose form, combining a property release form, a property intake form, and chain of custody form.

Proof of Compliance:

1. Copy of written directive, **and**
2. Proof of Receipt of Policy (Level 1 Training), **and**
3. Copies of Releases documented on an appropriate form.

12.07 Annual Unannounced Inspection of Property/Evidence (E)

The agency has a system in place for a documented unannounced inspection of the Property/Evidence function and procedures at least annually. An inspection should concentrate on how the policies, procedures, and practices are followed and have minimal individual inspections of items to verify procedures.

Discussion: The Property and Evidence Custodian should not “inspect” their own operation. Inspections should be done by supervisors or other personnel not involved in

the operation of the Property Room.

The inspection must include review of the actual department policies and procedures relating to Property and Evidence and whether these procedures are being followed – such as is the Property and Evidence room secure, is the sign-in log being utilized, is property being submitted properly, is the property being logged in and stored properly, is the property being processed for disposal properly as well as whether the property room is clean and orderly. A small sample of items (3-5 items) should be identified and tracked to determine if they were properly entered and stored. This inspection report should be forwarded to the Agency CLEO for review.
The CLEO should sign and date the report to show proof of receipt and review.
Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of documentation of inspections.

12.08 Annual Audit of Property/Evidence (E)

The agency has a system in place for a documented audit of the Property/Evidence function and procedures at least annually. An audit should concentrate on how the policies, procedures, and practices are followed and must meet one of the two sampling models outlined in Appendix A.

Discussion: The Property and Evidence Custodian should not "audit" their own operation. Audits should be done by supervisors or other personnel not involved in the operation of the Property Room. However, the Property and Evidence Custodian should assist in the audit.

This audit report should be forwarded to the Agency CLEO for review. An investigation should be conducted to resolve any discrepancies. Should significant discrepancies be discovered, the CLEO may require a complete inventory.
The CLEO should sign and date the report to show proof of receipt and review.
Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of documentation of audit.

12.09 Change of Assignment Inventory of Property/Evidence (EV)

The Agency has a written directive requiring a complete inventory of all property / evidence when a new person is assigned who is in direct control of the property/evidence function or when a new CLEO is assigned to the agency.

Discussion: The inventory should be conducted by the CLEO (if applicable) or designee, accompanied by the newly assigned evidence custodian, not routinely assigned in the unit but familiar with its operation. A formal report of the findings should be forwarded to the CLEO. An investigation should be conducted to resolve any discrepancies.

Obviously, when conducting an inventory, in addition to the item being present, the agency should examine the item for tampering or missing items, and any discrepancy reported.

The CLEO should sign and date the Inventory to show proof of receipt and review.

Proof of Compliance:

1. Copy of written directive, **and**
2. Copy of inventories within past year if warranted, **and**
3. Conduct a review of a small sample of items to determine items are stored properly and paperwork for those items has been properly filed (On-Site)

APPENDIX A
AUDIT SAMPLING METHODS

Agencies should strive for 100% accountability in the maintenance of all property and evidence in their custody. Agencies without bar-coding or other technological assistance find it difficult to conduct a 100% audit. Either of the two sampling methods below will meet the requirements of 12.08. The method used should be explained on the Document Submission Form.

Sampling Method 1:

A complete inventory of all critical items (Guns, Drugs, and Money) in the Property Room and a random sample of 5% of the total number of items or 25 items, whichever is less, of the remaining items in the property room.

The inventory should be conducted by locating the intake paperwork for all the Guns, Drugs, and Money, then locating the items in the property room. The audit of the other items should be done in two parts. The first part is done by randomly selecting the paperwork for 25 items and locating them in the property room. The second part would consist of randomly selecting 25 items from the property room and locating the item's paperwork to test the record-keeping system.

This system of sampling will benefit smaller agencies that have smaller numbers of critical items in their property and evidence rooms.

Sampling Method 2:

Sampling method 2 relies on a mathematical sampling formula that produces a 95 percent confidence level with a confidence interval of +/- 3 percent. This audit is conducted on all items. Obviously, the agency will want to resolve any discrepancies discovered by an inventory, but an error rate of greater than 4 percent would indicate that a complete inventory of critical items is needed.

This sampling methodology requires a random sample to be accurate and the agency must be able to describe or show how the random sample was determined. To determine the sample size, the agency must also know the approximate number of total items in the property room, and then consult the table below to determine the number of items required to be located and examined. Once a random sampling method is determined, no deviation is permitted. The agency must show that it adhered to the sampling methodology selected.

Creating a random sample can be as easy as locating a random number table in a mathematics textbook or on-line and using the last digits of the number that matches your agencies property numbers and use that table in order until the total number of samples has been reached. It can also be done by dividing the number to be sampled into the total number of items, i.e. (Total items 15,000, sample required 996,

15000/996=15.06) and selecting every 15^{the} item on a list of all Money, Guns, and Drugs which would produce the proper number of sample items. Agencies that choose to use this method regularly might consider having their computer staff write a specific program for the development of a random audit list.

This sampling method would benefit larger agencies with many critical items.

Total Number of Critical Items (Money, Guns, and Drugs)	**Minimum Required Sample**
100	92
200	169
300	234
400	291
500	341
750	441
1000	516
1250	576
1500	624
1750	663
2000	696
2250	724
2500	748
2750	769
3000	787
3500	818
4000	843
4500	863
5000	880
6000	906
7000	926
8000	942
9000	959
10000	964
12500	983
15000	996
20000	1013
25000	1023
50000	1045
100000	1056

APPENDIX B
REQUIRED TRAINING MATRIX

The below is a description of the types of training in each Minimum Training Level. This matrix was developed to assist agencies in determining what level of training is required for each standard. Each standard that requires training as part of the standard has the minimum level of training stated in the Discussion section.

The matrix is provided only for reference and to allow agencies to understand what types of training is in each level. Whatever level of continuing training that is determined by the agency, it must be mandatory and not subject to such things as “if possible, or if time permits, or when staffing allows.”

Level	Description of Minimum Level of Training	Type of Proof Needed
1	Proof of Receipt of Policy.	A sign off sheet or electronic document showing officers have received a copy of the policy.
2	Roll-call Training, Training Bulletin Distribution, Video, copy of Policy with discussion by/with Supervisor, or copy of Policy with testing.	Sign-off sheet showing where officers received Roll-call Training by an Officer or Supervisor, or received a Training Bulletin addressing the Policy, or receiving training by Video. May also be shown by showing receipt of Copy of Policy with further discussion with/by a Supervisor or by follow-up testing on the Policy. A memo from the supervisor stating it was discussed or a signoff sheet where discussion is also clearly noted will be accepted.
3	Specific Topic Training by an instructor or online course with topic clearly indicated in a class schedule, course syllabus, lesson plan, or PowerPoint.	Proof of some form of formal training by an instructor, or specific topic training at a school, seminar, or class; clearly showing the topic of training, such as a class schedule, syllabus, lesson plan, power point, completion certificate, or other documentation. Computer based learning programs may also be used. Proofs will be sign-in sheets, completion certificates, etc.
4	Proof of Specific Physical Skills training	Sign-in sheets or records showing attendance and completion of proficiency testing, such as firearms qualification records, proficiency testing for less-lethal weapons and physical arrest or self-defense classes.
FTO Training	Proof of FTO training (specific topic clearly identified)	FTO Training cannot be used alone to prove compliance with training during Initial Accreditation as it does not prove training of all existing personnel. FTO Training can be used in Re-Accreditation Compliance Files to show continuing training of new staff members if the details of what needs to be mastered is contained in field training documents.

APPENDIX C:
Program Glossary

ADMINISTRATIVE REVIEW:

A documented review of an incident or occurrence prepared by or for the CLEO or designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed. The review could also involve more than one incident.

ANNUAL:

An event that occurs at least once every 12 months.

APPEAL:

An application (as to a recognized authority) for corroboration, vindication, or decision in a disciplinary action or other applicable action as defined by the agency.

ARREST:

The act of depriving a person of his/her liberty by legal authority, with or without a warrant including the authority to physically remove a person from their location and taking the person to a place of confinement or judicial authority.

BARRICADED PERSON:

An individual who resists being taken into custody by using, or threatening to use, firearms, other weapons, explosives, etc. A barricaded person is normally behind some form of cover and may or may not have taken a hostage or made threats to his/her own life.

ACCREDITING STANDARD / BEST BUSINESS PRACTICE:

A recognized and necessary professional requirement setting criteria for a specific process, function, service, or procedure for law enforcement agency compliance.

BIAS BASED PROFILING:

The selection of an individual based solely on a trait common to a group for enforcement action. This includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

BODY CAVITY:

Consists of the anus, female vagina, and any part of the esophageal cavity or stomach other than the portions of the mouth normally visible by opening the mouth.

CANDIDATE AGENCY:

An Agency that has made application to the MLEAP Accreditation Program.

CIVILIAN MEMBER:

A full or part-time person who is not a sworn law enforcement officer and does not possess arrest powers.

CHAIN OF COMMAND:

Formal upward or downward progression through the command structure based on rank and direct authority within the organization.

CHAIN OF EVIDENCE:

Continuity of custody serving to ensure that material items introduced into the court are the same material or items originally collected as physical evidence.

CHIEF LAW ENFORCEMENT OFFICER:

The duly authorized top administrator of the law enforcement agency and is the highest-ranking executive for the law enforcement agency who possesses ultimate command authority for the operation of the agency.

CITATION:

Written notice to appear issued to an accused person, in connection with a traffic enforcement action or other charges, to appear before a court of law.

CODE OF CONDUCT:

Specific guidelines for behavior and dress, including prohibitions.

CODE OF ETHICS:

Principals of conduct or moral values that govern individual or group behavior, the Agency's guiding philosophy.

COMMAND PROTOCOL:

Plan/policy established to ensure a continuation of supervision at all levels of the chain of command when vacancies or absence from duty exists.

COMPLAINT:

An allegation of misconduct, malfeasance, violation of law or Agency directives, against any member of the Agency, or against the Agency. This does not include a complainant's disagreement with the application of law that is properly decided in a court of law.

CRIMINAL HISTORIES:

A transcript of arrests for an individual usually identified by name, date of birth, or identification number.

CRISIS INTERVENTION:

Assistance and support services offered to victims, survivors, and/or first responders of violent crimes or other serious incidents.

CURRICULUM:

A series of courses related to a specific kind of training program.

DEADLY FORCE:

Force used when the officer reasonably believes that there is imminent threat of serious bodily injury or death to his or her life, or a third person and includes, but is not limited to: the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding. The terms deadly force and lethal force are considered synonymous.

DIRECTIVE:

A written document used to guide or control the actions of members and establish Agency policy and practices. Examples of written directives include, but are not limited to policy statements, standard operating procedures, general orders, memoranda, laws, or written orders.

EMERGENCY SITUATION:

An actual or potential condition that poses an immediate threat to life or property.

EQUAL EMPLOYMENT OPPORTUNITY:

The providing of equal opportunities for employment and conditions of employment to all members regardless of race, creed, color, age, sex, religion, national origin, marital status, or physical impairment.

EVIDENCE:

Materials or items discovered or retrieved from a crime scene or other law enforcement incident.

FIELD INTERVIEW:

The stopping and questioning of a person by a law enforcement officer because there is reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a felony or misdemeanor involving danger of forcible injury to persons or of appropriation of or damage to property if such action is reasonably necessary to obtain or verify the identification of the person or determine the lawfulness of their conduct.

FIELD TRAINING PROGRAM:

A structured and closely supervised program provided for recruit members to facilitate the application of skills and knowledge obtained in the academy/classroom to actual performance in on-the-job situations.

FIELD TRAINING OFFICER:

A commissioned officer selected by the Agency leadership to train recruit officers in Agency policy, procedures, rules, regulations, practices, and other subjects or duties as determined by the Agency.

FINDING OF FACT:

Final determination about allegations based on investigative activities. Classifications of internal investigative findings may include exonerated, sustained, not sustained, unfounded, and policy failure.

FUNCTION:

A general term for the required or expected activity of a person or an organizational component, e.g., patrol function, communication function.

GRIEVANCE:

Formal request in writing to resolve differences in identified matters due to an actual or supposed circumstance regarded as just cause for protest.

GUIDELINES:

Statements, past practices, or other indications of policy or procedure, used to determine a course of action.

HOLDING AREA:

Any locked area, space, or enclosure where a prisoner/detainee is placed to prohibit freedom of movement.

HOLDING FACILITY - A facility or part of a building used for the detention of adult pretrial detainees prior to arraignment, release or transfer to another facility or authority for periods of up to 48 hours. "Holding facility" also means a county detention or part of a detention used for the detention of adult inmates, whether detained pending a trial or other court proceeding or sentenced for periods of up to 72 hours excluding Saturday, Sunday and legal holidays and excluding days during which the inmate is at court.

INCIDENT COMMAND SYSTEM:

Command, control, and coordination of a response to organize the efforts of members and agencies as they work toward stabilizing an incident while protecting life, property, and the environment. There are five major components: command, planning, operations, logistics, and finance/administration.

IN-SERVICE TRAINING:

Training received by Agency members to enhance knowledge, skills, or abilities. This includes formal retraining, specialized, promotional, or advanced training. In-service training may also include fewer formal types of instruction, such as roll-call training.

INSPECTION:

A comparison of an individual or an organizational component against established standards, such as policies, procedures, practices or expected behaviors.

Organizational component inspections are commonly referred to as staff inspections and encompass a full-scale review of the current operations of a unit or section of the Agency. It can also include all aspects of administration, personnel policies, directives, equipment, and facilities.

INTERNAL AFFAIRS INVESTIGATION:

A formal, detailed investigation of alleged misconduct, violation of law or Agency directives.

INVENTORY:

A survey of items designed to create a detailed list of articles or property. This includes (1) processes such as those utilized within the Agency and can be part of an audit or inspection; and (2) processes utilized by the Agency after the Agency assumes control over a person's property where such processes are designed to protect the citizen's property and the Agency from allegation of misconduct.

JOB DESCRIPTION:

An official written statement setting forth the duties and responsibilities of a job, and the skills, knowledge, and abilities necessary to perform it.

JOB-RELATED:

Pertaining to tasks performed or functions required of a specific job classification.

LESS-LETHAL FORCE:

Force which is not likely to cause death or great bodily harm. The terms non-deadly force, less-than-lethal force and less-lethal force may be considered synonymous.

LESSON PLAN:

A detailed format an instructor uses to conduct the course. A lesson plan may include goals, specific subject matter, performance objectives, references, resources, and method of evaluating or testing students.

LIFE CYCLE MANAGEMENT:

The documented management process of the life of a document created in the ordinary

operation of a police department, to include the storage, length of retention and destruction process. Normally contained in the Records Retention Schedule of a City Government but parts not covered in the City Records Retention Plan are developed and maintained in Departmental Directives.

MEDICAL CARE FACILITY:

Any hospital, office, mobile unit, or other facility designed or utilized to provide immediate or ongoing medical treatment.

MEMBER:

A generic term utilized in this manual to describe all Agency personnel, including volunteers, auxiliary officers, and part-time personnel.

MEMORANDUM:

An informal, written document that may or may not convey an order; it is generally used to clarify, inform, or inquire. Memoranda may be used for proofs of compliance.

MUTUAL AID:

A formal agreement or legal authority among emergency responders to lend assistance across jurisdictional boundaries when required either by an emergency or disaster that exceeds local resources. This assistance includes, but is not limited to, such resources as facilities, equipment, services, supplies, and personnel.

NON-DEADLY FORCE:

Force which is not likely to cause death or serious bodily harm. The terms non-deadly force, less-than-lethal force and less-lethal force are synonymous and may be used interchangeably to meet the standards in this manual.

OFF-DUTY EMPLOYMENT:

Secondary employment, outside the agency, which may or may not require the actual or potential use of law enforcement powers by an off-duty member.

ORGANIZATIONAL COMPONENT:

A subdivision of the Agency, such as a bureau, division, section, unit, or position that is established and staffed on a full-time basis to provide a specific function.

PART-TIME SWORN MEMBER:

Any sworn person employed or appointed less than full time, as defined by an employing Agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

PERSONNEL ORDERS:

Official announcements of certain administrative actions involving members of an Agency that normally form a permanent file record of each member's Agency assignments, promotions, awards, etc.

PLAN:

A detailed scheme, program, or method worked out beforehand for the accomplishment of an objective, proposed or tentative project, or goal. A plan may be a systematic arrangement of details, an outline, drawing or diagram.

POLICY STATEMENT:

A broad statement of Agency principles that provides a framework or philosophical basis for Agency procedures.

PRISONER:

Any person arrested and/or in custody of a law enforcement officer or Agency.

PROCEDURE:

A manner of proceeding, a way of performing or affecting something, an act composed of steps, a course of action, a set of established forms or methods for conducting the affairs of the Agency.

PROCESS:

A series of actions, changes, or functions bringing about a result.

PROTECTIVE CUSTODY:

Protective Custody: A law enforcement officer taking a person into custody when the officer determines that probable cause to believe the person is mentally ill and, due to that condition, the person poses a "likelihood of serious harm." "Likelihood of serious harm" is the existence of.

1) Substantial risk of physical harm to the person as manifested by recent suicide attempts or threats or serious self-inflicted harm, or

2) A substantial risk of physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct placing others in reasonable fear of serious physical harm, or
3) A reasonable certainty that the person will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the person adequately from impairment or injury. .

PURSUIT:

An active attempt by a law enforcement officer, operating in a law enforcement vehicle(s), to apprehend one or more occupants of another moving motor vehicle, where the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension.

RECRUITMENT ACTIVITIES:

Any activity or event utilized in seeking potentially qualified applicants for a particular position.

REMEDIAL TRAINING:

Training conducted, in addition to regularly scheduled training, to correct an identified deficiency.

RESTRAINING DEVICES:

Equipment used to restrict the movement of a prisoner/detainee.

ROADBLOCKS:

Use of barricades or other devices to stop vehicle or foot traffic from proceeding on a public road or other secured site.

ROLL CALL TRAINING:

Short training or informational sessions held just prior to, or after, a member's tour of duty.

RULES AND REGULATIONS:

Specific guidelines describing allowed and prohibited behavior, actions, or conduct.

SELECTION CRITERIA:

The rules, standards, or requirements used to make a judgment concerning filling a specific position.

SELECTION PROCESS:

The combination of elements and procedures utilized to make the final decision in filling a position.

SELECTIVE TRAFFIC ENFORCEMENT:

Law enforcement function designed to address a specific or recurring issue or problem at a specific location and time. Also, may be referred to as Directed Patrol.

SERVICE COMMUNITY:

Persons within the Agency's jurisdictional responsibility.

SEXUAL HARRASSMENT:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

SPECIAL EVENT:

An activity that results in the need for control of traffic, crowds, or crime. Special events are normally time specific, short duration events, but may be extended over a longer period.

SPECIALIZED OPERATIONAL UNIT:

A unit, designated within the agency's organizational structure, characterized by increased levels of responsibility requiring specialized training, but operating within a given employment classification, i.e., bike patrol, traffic safety, K-9, etc.

SPECIAL ORDERS:

A statement of policy, procedure, or other instruction issued by the CLEO regarding a special circumstance or event and is of a temporary nature.

SPECIALIZED TRAINING:

Training to enhance skills, knowledge, and abilities taught in either recruit or other in-service programs. Specialized training may address supervisory, management, and/or executive development training, or it may include technical and job specific subjects, e.g., homicide investigation, fingerprint examination, juvenile investigation, motorcycles, bicycles, SWAT, etc.

STANDARD:

A common term referring to a best business practice.

SOLO OFFICER:

A certified officer who is assigned to a patrol vehicle alone, to a zone, sector, etc. handling calls for service with another BLETP Graduate Officer or Supervisor who is there to provide guidance and oversight.

STANDARD OPERATING PROCEDURE:

A written directive which specifies how Agency activities are carried out.

SWORN MEMBER:

A member, as defined by statute, who meets MCJABOT requirements to possess full law enforcement and arrest powers and is employed either full- or part-time by a law enforcement Agency. This member may or may not be compensated.

TACTICAL TEAMS:

A select group of officers who are specially trained and equipped to handle high-risk incidents, e.g., snipers, barricaded persons, hostage takers, high-risk warrant service.

TRAINING PLAN:

A plan to train Agency personnel that could include formal classroom training or a requirement of written acknowledgement of receipt of a General Order, training bulletin or other document on a specified subject or procedure.

SHORT-TERM DETENTION AREA (aka Booking Room):

A location within the law enforcement agency, which is used for a brief period to process, question, arraign, or test individuals who are in the custody or care of the law enforcement agency. These areas would only be used for a brief time until the processing is completed prior to the release of the person or until the person appears before a member of the judiciary.

UNLAWFUL HARRASSMENT:

Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

VERIFICATION:

The number of directives, materials, or other items to be reviewed should be of sufficient number for the facilitator to make a reasonable judgment that the Best Practice has been met. Verification does not require that 100% of the items be reviewed.

VICTIM:

A person who suffers physical, financial, or emotional harm as the direct result a specified crime committed upon his or her person or property. The children, parents, or legal guardian of a homicide victim are also regarded as victims.

VOLUNTEERS:

Unpaid members who perform tasks which do not require law enforcement certification.

WARNINGS:

Notice given of impending action or danger if corrective measures are not taken.

WITNESS:

A person having information or evidence relevant to a crime.

WORK ENVIRONMENT:

Department facilities and equipment where daily activities are conducted, to include office pace, patrol vehicle, interview rooms, holding areas, etc.

WRITTEN DIRECTIVES:

Any written document used to guide or affect the performance or conduct of Agency personnel. The term may include policies, procedures, general orders, special orders, memorandums, and instructional material.

APPENDIX D:
Standard Change History

September 2019 – Release of Edition 2

Language change to Standard 1.09 – Sworn Personnel/MCJABOT Requirements (EV) approved by the MLEAP Committee and the Maine Chiefs of Police Executive Board.

The standard's previous language read: "The Agency is in compliance with MCJABOT standards before Officers perform law enforcement duties and in addition the Agency requires all full-time Police Officers to successfully complete MCJA approved basic academy prior to performing law enforcement duties." The following language was added: "...except under the supervision of a full-time, certified law enforcement officer."

December 2020 – Release of Edition 3

Approved by the MLEAP Committee and the Maine Chiefs of Police Executive Board.

Language change to Standard 3.11 – Field Training Program (E)

c. Require newly certified ~~or~~ and inexperienced officers to complete all phases of the training program prior to operating as a "solo officer".

Definition Added - Appendix C Program Glossary

SOLO OFFICER – A certified officer who is assigned to a patrol vehicle alone, to a zone, sector, etc. handling calls for service with another BLETP Graduate Officer or Supervisor who is there to provide guidance and oversight.

November 2021 – Release of Edition #4

1. **3.08 Supervisor Training** – Replacing "should" with "shall" receive supervisor training within one year of promotion. Removed Non-Sworn Supervisors, requiring only sworn personnel.

2. New Standard Added -**3.19 Internal Affairs Investigator Training** - The Agency requires that personnel who conduct Internal Affairs Investigations for serious and/or gross deviation of policy and/or law, which could potentially result in demotion, termination or criminal charges has received training in conducting the internal investigations.

3. **4.08 Annual Performance Evaluations** – Added discussion topic - This standard refers to all ranks below the CLEO in the department. The written directive must clearly require annual and "as needed" performance evaluations and indicate when they are to be done.

4. **4.09 Performance Evaluation Training** – lowered level of training to Level Two.

5. Deleted the following standards.

    a. **6.06 Documenting the Discharge of Firearm (redundant**
    b. **8.08 Homeland Security**
    c. **8.09 National Incident Management System**
    d. **10.06 Visitors**
    e. **10.12 Medication for Prisoners**

6. Chapter 10 Processing and Transportation (With Consultation and Supported by Ryan Anderson of DOC)

    a. Replaced “Jails” with “Short-term Detention Area”

7. **12.03 Property/Evidence Submission** – added language allowing agencies to submit evidence, property into property up to 72 hours if a temporary/permanent storage facility is not readily available. An example would be for Rural Deputies or Rural Troopers.)

8. The remaining changes in the standards manual were language and formatting.

    a. Change On-site to Electronic submission with the requirement of PowerDMS Electronic Manual

9. Definition Change due to 2021 New Law Update

    a. **Protective Custody**: A law enforcement officer taking a person into custody when the officer determines that probable cause to believe the person is mentally ill and, due to that condition, the person poses a "likelihood of serious harm." “Likelihood of serious harm” is the existence of.

        1) Substantial risk of physical harm to the person as manifested by recent suicide attempts or threats or serious self-inflicted harm, or
        2) A substantial risk of physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct placing others in reasonable fear of serious physical harm, or
        3) A reasonable certainty that the person will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the person adequately from impairment or injury.

March 2024 – Release of Edition #5

1. **1.01 Organization**
   a. Changed the required review of the Organizational Chart from annually to once every three years or when the organization has experienced substantial changes.
   b. Removed policy sign off requirement and replaced it with level 1 training requirement.

2. **1.03 Cash Transactions**
   a. Under Proof of Compliance, added copy of a completed audit.

3. **1.09 Sworn Personnel / MCJA Board of Trustees (MCJABOT)**
   a. Removed Copy of Oath of Office indicating Oath of Office was after academy training from Proof of Compliance. Many agencies in Maine have officers sworn prior to attending the academy.

4. **1.10 Accounting for Agency Owned Capital Assets**
   a. From the discussion, removed the CLEO should date and initial the annual inventory to show proof that it was received. Many agencies, municipalities, counties and state organizations use modern accounting systems to accomplish these tasks electronically.

5. **1.11 Approval for Personally Owned Equipment**
   a. From the discussion, deleted language that was redundant in the manual.

6. **1.12 Agency Issued Property/Equipment**
   a. From the discussion, deleted language referring to forms on a website that does not exist, and the forms are no longer used by many agencies which have replaced them with electronic systems.

7. **2.01 Bias Based Policing**
   a. Added proof for level 1 training and for a copy of the AG's Office Traffic Data Report (demographic data collected during traffic stops).

8. **2.15 Political Activity**
   a. Added an exception that permits Sheriff's running for re-election to be personally involved with political issues or campaigns while on duty or in uniform.
9. **2.18 Personal Conduct**
   a. Added inappropriate relationships to the title and clarified that inappropriate is intended to mean any social or romantic relationship.

10. **3.01 Annual Firearms Qualifications and Training**
    a. In the discussion, added while on duty to the end of the sentence.

11. **3.02 Use of Deadly Force Training**
    a. Deleted level 3 training because level 3 training is covered in other

standards. This topic has been confusing for program managers and assessors.

12. **3.04 Use of Force Training and Proficiency for Less Lethal Weapons**
    a. Removed the discussion section that referred to using forms that are not used by many agencies in Maine.

13. **3.09 SWAT / Special Response Team Training**
    a. Removed level 2 training and replaced level 3 training with level 4 training to remain consistent with certification requirements.

14. **3.16 Background Investigator Training**
    a. From the discussion, removed reference to a sample manual. That is a dated reference, and the sample manual is not in use.

15. **3.18 CLEO Training**
    a. Added to the description language clarifying the process is for individuals coming to Maine from another state and the need for a MCJA waiver.

16. **4.03 Background Investigations of Selection of Employees**
    a. Added language required by DOJ.
    b. Updated proofs to align with current MCJA requirements.

17. **4.04 Disposition of Selection of Records of Applicants**
    a. Added proof that the files are viewed.

18. **4.08 Annual Performance Evaluations**
    a. Added DOJ recommendation along with an exemption for evaluations that are defined by collective bargaining agreements.

19. **4.11 Recruitment Plan**
    a. Added DOJ requirements.

20. **4.12 Employee Wellness**
    a. Added DOJ requirements.

21. **4.13 Early Interventions System**
    a. Added DOJ requirements.

22. **4.14 Personnel Critical Incident Data Collection**
    a. Added DOJ requirements.

23. **5.01 Privacy and Security of Records**
    a. Added clarifications to remain consistent with CJIS and other legal requirements.

24. **6.01 Authorization to Use Force**
    a. Added DOJ requirements.

25. **6.02 Authorization to Use Deadly Force**
    a. Added DOJ requirements.

26. **6.07 Medical Aid after Using Force**
    a. Added DOJ requirements.

27. **6.08 Removal from Line of Duty after Using Deadly Force**
    a. Removed language relating to traffic crash and relocated it to 7.18.

28. **6.10 Annual Use of Force Report**
    a. Removed language exempting agencies from use of force reviews when having very few use of force incidents, making it mandatory.

29. **6.11 De-escalation techniques**
    a. Added DOJ requirements.

30. **6.12 Duty to Intervene**
    a. Added DOJ requirements.

31. **7.05 Probable Cause Determinations and First Appearances**
    a. Added proof for written directive and level 1 training as some agencies may have specific guidelines and directives.

32. **7.08 Search and Seizure Warrants**
    a. Added DOJ requirements.

33. **7.15 Vehicle Pursuits**
    a. Added that the written directive includes the criteria for prohibited pursuits.

34. **7.18 Crash Investigation**
    a. Added language removed from 6.08.

35. **7.23 Inspection of Patrol Vehicle and Equipment**
    a. Added proof for level one training.

36. **7.34 In-Car and/or Body-Worn Video**
    a. Moved language about records and logs from proof section to requirement section.

37. **8.03 Hostage Negotiations**
    a. Removed proof requiring receipt of MCJA Certification as there is no certification for HN at this time.

38. **8.04 Tactical Team**
    a. Added requirement that the documented inspection of equipment is for the equipment assigned to the individual along with a proof requirement for it.

39. 8.05 Emergency Operations Plan

a. Changed proof requirement from level 2 training to level 1 training and that the plan is accessible to all staff via electronic viewing.

40. 10.01 Searching and Transport

a. Deleted the requirement that the directive include following an escape of detainee while be transported as this is redundant with 10.16.

41. Chapter 10

a. Updates to several standards changing wording to include holding facility and other phrases to remain consistent with Maine DOC.

42. 12.02 Access to Crime Scene Personnel

a. Deleted proof requiring a copy of an on-call list for crime scene investigators being posted in dispatch because some agencies don't have detectives who would be on call.

43. 12.04 Property/Evidence Storage Area Security

a. Removed the first discussion paragraph describing how walls should be constructed. This has caused a lot of confusion with assessors.

44. 12.06 Release of Property

a. Changed title of standard from Field Release of Property as the word field was confusing for agencies. Most property is released from the agency's facility, not in the field.