

MAINE STATE LEGISLATURE

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Rev. 9/97

MAINE WARDEN SERVICE
STATE OF MAINE
Department of Inland Fisheries and Wildlife

Preamble

Pursuant to the provisions of Title 12, MRSA, Chapter 703, Section 7034, a written code covering the operating procedure of the Maine Warden Service is hereby prepared. This code is effective when approved by the Director of the Bureau of Human Resources. This code and regulations or orders published under authority of same is the property of the State of Maine. It is to be kept in the possession of Warden Service personnel and turned in at the expiration of employment. Any member of the Maine Warden Service who violates any regulation or order may be subjected to disciplinary action.

CODE OF OPERATIONS

Organization

General Order No.1

Regulation No. 1

1. The Warden Service shall consist of one Colonel, one Major, and as many Lieutenants, Sergeants, Warden Pilots, Specialists, Wardens, and Assistant Game Wardens as the Commissioner shall deem necessary for the efficient and effective enforcement of laws and rules.

Definition of Terms:

- A. "Department" - Department of Inland Fisheries and Wildlife.
- B. "Commissioner" - The Commissioner of Inland Fisheries and Wildlife.
- C. "Deputy Commissioner" - The Deputy Commissioner of Inland Fisheries and Wildlife.
- D. "Colonel" - (Chief Warden) - A person who has been permanently appointed to that rank.
- E. "Major" - (Deputy Chief) - A person who has been permanently promoted to that rank.
- F. "Lieutenant" - A person who has been permanently promoted to that rank.
- G. "Sergeant" - A person who has been permanently promoted to that rank.
- H. "Specialist" - A person who has been permanently promoted to that rank.
- I. "Warden" - A person appointed under the provisions of Title 12, MRSA, Chapter 707, Section 7051 and Personnel Law.
- J. "Warden Pilot" - A person appointed under the provisions of Title 12, MRSA, Chapter 707, Section 7051 and Personnel Law.

- K. "Assistant Game Warden" - A person temporarily appointed under the provisions of Title 12, MRSA, Chapter 705, Section 7051 and Personnel Law.
 - L. "Member" - Shall mean any sworn officer of Warden Service.
 - M. "Resignation" - Means termination of employment made at written request of member.
 - N. "Chain of Command" - Means through one's immediate supervisor or subordinate.
 - O. "He" - Shall also mean she where appropriate.
2. The Warden Service shall have a main office located in Augusta. There shall be as many divisional headquarters located throughout the State as deemed necessary.
3. Supervision
- A. The Colonel shall be in the administrative head of Warden Service and shall be responsible for the proper and efficient administration, management and the direction of the overall operation of Warden Service.
 - B. The Major shall be the field force commander, assist the Colonel in the performance of his duties and in the Colonel's absence act in his stead.
 - C. Lieutenants, under the direction of the Major, shall oversee conservation law enforcement and all other duties of Warden Service carried out by those under

their command. They shall have command of those members of Warden Service, support personnel, equipment and property assigned to their division.

- D. Sergeants, under the direction of the Lieutenant, shall be responsible for the field supervision of conservation law enforcement and all other Warden Service operations conducted by those under their control. They shall have control of all Warden Service personnel and equipment assigned to their section.

Appointments

Regulation No. 2

1. To be eligible and accepted for appointment, applicants must meet certain qualification and examination requirements as specified by the State of Maine Department of Personnel and the Maine Warden Service.

2. Upon appointment, each applicant will take and subscribe to the following oath:

"On this _____ day of _____, 19____, I do hereby acknowledge to have voluntarily begun service as a Game Warden of the State of Maine, under the conditions prescribed by law I will serve the State of Maine honestly and faithfully, always conducting myself in such a manner as will never discredit my office, my family, the Department of Inland Fisheries and Wildlife, or the State of Maine. I do solemnly swear that I will carry out the duties of my office to the best of my ability, and that I will obey the orders of the Governor of the State of Maine and of the officers appointed over me according to law and the regulations of the Department of Inland Fisheries and Wildlife and that I will uphold the Constitution of the United States and the State of Maine, so help me God."

3. The Oath shall be taken before the Commissioner.
4. Each sworn member must satisfactorily complete the training program prescribed by the statute.

Regulation No. 3

1. Applicants will be given a thorough physical examination before their initial appointment to Warden Service. Applicants not meeting these specifications prescribed will be rejected.
2. After appointment, every sworn member shall submit to a physical examination upon receiving a directive from the Colonel.
3. If the result of this examination indicates disabilities or defects of such nature as to prevent a member from properly performing his/her duties, the Colonel may take the appropriate action for the proper disposition of such case in concurrence with State and Federal law and regulations.

General Standards and Conduct Scope

Regulation No. 4

1. Conduct
 - A. Every Warden will comply with the following "Police Code of Conduct" and, at all times, both on and off duty, behave in a manner so as not to discredit or impugn the integrity of the Maine Warden Service.
 - B. In accordance with this, the Warden shall:
 1. Be attentive, control personal emotions, and exercise the utmost patience and discretion.
 2. Treat all official business of the Bureau as confidential;

3. Act with dignity and maintain a professional demeanor;
4. When requested, provide the Warden's name, supervisor's name, Division phone number where the supervisor can be reached.
5. When contacting or approaching the public, a Warden shall identify himself/herself as a Game Warden.

C. The Warden shall not:

1. Permit the use of a personal photograph in uniform or that otherwise identifies the Warden as a member of this Bureau in connection with any testimonial or advertisement unless previously approved by the Chief;
2. Authorize the use of the Warden's name, title, or identification with the Bureau in connection with any testimonial or advertisement unless previously approved by the Chief;
3. Solicit subscriptions or collect donations for any purpose while in uniform or while representing the Department;
4. Voluntarily offer to be a witness in any civil case when in an official capacity; however, the Warden will comply with all court issued subpoenas;

5. Provide bond or furnish bail for any person while acting in an official capacity;
6. Counsel the retention of any attorney specifically named for any person arrested;
7. Sign any petition as a member of this Bureau unless previously approved by the Chief;
8. Make any public statement, written or oral criticizing the Bureau, or any member, where such expression is:
 - (a) Defamatory;
 - (b) Unlawful;
 - (c) Of such a nature that it tends to impair the operation of the Bureau; or
 - (d) Made with reckless disregard for its truth.
9. Bring any intoxicating liquor or drugs into any Division or Regional Headquarters occupied by the Bureaus, except:
 - (1) On order of a physician for medical purposes;
 - (2) As evidence in an investigation; or
 - (3) When authorized by the Chief or commanding officer.
10. Consume an alcoholic beverage while on duty except when performance of duty may require it;

11. Consume an alcoholic beverage while in uniform;
12. Report to duty while impaired by an alcoholic beverage or drugs;
13. Consume any drug, narcotic, or other like substance, except as permitted by law;
14. Feign illness or otherwise abuse sick leave;
15. Be absent without proper leave. Absence for five consecutive days without proper authority shall constitute a voluntary resignation, but such absence may be covered by a subsequent grant of leave without pay, as provided by State of Maine Civil Service Rules, Chapter 11, Section 6.
16. Knowingly associates or have any dealings with persons engaged in unlawful activities nor frequent or operate places of questionable character, either while on or off duty, except when necessary in the official performance of duty;
17. Make a derogatory remark or reference about a person's or a group of persons' race, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation.
18. Lie, give misleading information, or falsify written or verbal communications in official reports or in interactions with another person or

organization when it is reasonable to expect that the information may be relied upon because of the officer's position. Wardens may use misleading information during interviews or interrogations to elicit information or confessions from potential suspects or witnesses.

19. Permit the use or reproduction, or use or reproduce, an image of the Maine Warden Service badge, uniform, seal, or equipment on paper or electronic correspondence, including a home page, unless previously approved by the Chief.
20. Use paper stationery or electronic images, or a reproduction of paper stationery or electronic images, of the Maine Warden Service for other than official business of the Bureau.

2. Duties

A. A Warden shall:

1. Perform assigned duties in a diligent, professional manner and shall act in obedience to State and Federal laws and regulations and Bureau written directives.
2. Obey all orders and instructions from superior officers.
 - a. If such orders are believed to be unreasonable, the Warden may appeal by

written communication through the chain of command to the Chief.

b. Any disobedience or disregard of a lawful order from a superior officer shall constitute grounds for disciplinary action.

c. Respond to calls for service or assistance from citizens or as assigned by police communications operators (PCO's).

B. A Warden assigned to a special duty is not relieved from taking appropriate action outside the scope of the specialized assignment.

C. Each Warden is expected to be knowledgeable of all laws generally enforced by this Bureau.

3. Personal Appearance

A. Unless on special assignment, personnel shall maintain a neat well-groomed appearance by conforming with the following standards:

- (1) Male personnel shall be well-groomed at all times and face shall be kept clean-shaven, except a moustache will be allowed that is kept neatly trimmed at all times and does not extend beyond the corners of the mouth or below the top of the upper lip. A beard is not permitted.

- (2) Sideburns shall not be allowed to extend below the bottom of the ear and exceed one and one-half inches in width.
- (3) Hair shall be neat and closely trimmed and not allowed to touch the upper part of the collar or extend over the ears. It shall be clipped at the sides and back so as to present an evenly graduated appearance. Hairstyles that interfere with the proper wearing of the issued hat are prohibited.
- (4) Female personnel shall be well-groomed at all times, and hairstyle shall be neatly shaped. Hairstyles that interfere with the proper wearing of the issued hat are prohibited. Hair shall not be worn which falls below the lower part of the collar. Conspicuous barrettes, pins, and combs shall not be worn when in uniform. Hair nets shall not be worn unless authorized for a specific type of duty.
- (5) Wigs if worn must look natural and conform with the above regulations.
- (6) Cosmetics shall be applied conservatively.
- (7) Sworn officers may not wear earrings when in uniform.

4. Community Relations

A. The Game Warden, mindful of his responsibility to the whole community, shall deal with individuals of the whole community in a manner calculated to instill respect for the Department of Inland Fisheries and Wildlife's laws and rules. Each Warden shall conduct his official life in a manner such as will inspire confidence and trust. He will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The Warden will give service where he can and require compliance with the law. He will do neither from personal or prejudice, but rather as a duly appointed officer of the law discharging sworn obligations.

National Colors and Anthem

Regulation No. 5

All members of Warden Service, when in uniform, shall salute the official national colors as they pass in public parades, ceremonies, or other occasions, when they approach within six paces and hold such salute until they have passed. Whenever the National Anthem is played at any place where members of Warden

Service uniform are present, they shall stand at attention, facing toward the flag. If in uniform, they shall salute at the first note, retaining the position of the salute until the last note of the anthem.

Wearing of the Uniform

Regulation No. 6

1. The Warden Service uniform will consist of only that clothing and equipment issued by Warden Service as ordered by the Colonel.
2. Members of Warden Service shall be in proper uniform at all times while on duty, except when attending Superior Court, appearing before Legislative Committees, or directed by higher authority.
3. When any part of the uniform is worn out by reasonable use or has been damaged while on duty, a replacement shall be furnished. If damaged by negligence or misuse, such member may be obligated to replace it at his expense.
4. Supervisory personnel may periodically examine the condition of uniforms and equipment to see that they are properly equipped, cleaned and maintained.
5. It is the responsibility of all members to see that their uniform and equipment are kept clean, pressed, well fitting, and in good condition at all times.

Chain of CommandandCorrespondenceRegulation No. 7

All members of Warden Service shall communicate through the chain of command on all matters pertaining to Warden Service and its members.

Exception: On matters concerning one's immediate supervisor, the member may contact the next person within the chain of command.

State Property and EquipmentRegulation No. 8

1. The Major shall cause a record to be kept of all Warden Service property and the issuance thereof to any member. It shall be the duty of the Lieutenant to advise the Major as to the condition of property for which they are responsible from time to time on proper forms and advise him what is necessary in order to keep such property in proper condition.
2. All members of Warden Service may be held liable for any damage to property or equipment caused by carelessness or negligence.
3. Inventories of all Warden Service equipment may be ordered at such times and in a manner as ordered by the Major.

Death of a MemberRegulation No. 9

1. In the event of a death of any member of Warden Service, the Lieutenant of the Division shall notify the Colonel or Major. In the event both are unavailable, the Officer of the Day shall, as promptly as possible, notify the Colonel or Major.
2. Whenever a Warden is killed in the line of duty, it shall be the responsibility of the Lieutenant of the division or his designee to personally notify the widow or appropriate relative of the deceased member. The death message shall be delivered by a member of Warden Service.
3. It shall be the duty of the Lieutenant or his designee to visit the family of the deceased member to learn the wishes of the family regarding funeral services to determine what assistance can be rendered by Warden Service. Such officer shall promptly report to the Colonel or Major the wishes of the family so that the funeral detail may be planned accordingly.
4. The Colonel or Major will then assign a funeral detail to assist and participate in the funeral ceremony.

Regulation No. 10

Any violation of Warden Service orders, regulations, policies, and procedures, administrative policies of the Department of Inland Fisheries and Wildlife, or any laws and rules of the State of Maine Department of Personnel or any orders issued under the authority of such rules and regulations by any member of Warden Service may constitute grounds for disciplinary action.

Approval _____ January 1, 1989
William J. Vail, Commissioner Date
Inland Fisheries & Wildlife

General Order 1-A

GAME WARDEN COLONEL

Public Safety, Corrections	9523
Law Enforcement and Related	PSC0134501
Warden Service	Range 30
Manager	0191
	(HD) IBMPS2

DESCRIPTION: This is investigative, protective services work in managing the Maine Warden Service. Responsibilities include the planning, direction, and review of programs and personnel involved in the enforcement of inland fish and game conservation laws statewide. Work is performed under general direction.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Directs, advises, trains, and evaluates the total statewide inland fish and game conservation law enforcement effort in order to effectively and efficiently achieve established goals and objectives.
- ... Develops, monitors, and modifies, as required, annual and biennial budgets within limits determined by the Commissioner in order to establish and maintain fiscal responsibility.
- ... Develops and maintains liaison between the Warden Service and other State and Federal agencies and the public in order to exchange information and coordinate Warden Service activities.
- ... Advises the Commissioner and/or Deputy Commissioner on the development of departmental positions and policy statements pertaining to legislative activities in order to keep the legislature informed of their impact on conservation law enforcement and the State's fisheries and wildlife resources.
- ... Confers with and advises the Commissioner and/or Deputy Commissioner on matters relating to the Service's short and long term objectives and programs in order to assure established goals and objectives are met.
- ... Represents the Department on various committees and advisory boards in order to protect and enhance the environment and promote professionalism in the field of conservation law enforcement.
- ... Represents the Commissioner and/or Deputy Commissioner at various local, state, regional, national, and international meetings and conferences in order to assure that the Department's views are considered.
- ... Promotes and monitors Affirmative Action and Equal Employment Opportunity initiatives in order to achieve established goals in hiring and promoting female, minority, and handicapped personnel.
- ... Develops and recommends new and revised statutes, rules, policies, and procedures in order to improve the Service's operational effectiveness and efficiency.
- ... Inspects and conducts field reviews in order to determine the effectiveness of the enforcement programs and personnel adherence to established standards.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned).

- ... Knowledge of State and Federal laws applicable to and enforced by the Department.
- ... Knowledge of law enforcement techniques.
- ... Knowledge of budget development and execution principles and methods.
- ... Knowledge of department policy and standard operating procedures.
- ... Knowledge of the legislative process.
- ... Ability to manage a large law enforcement activity.
- ... Ability to define, analyze, and solve complex problems and make effective decisions.
- ... Ability to supervise and evaluate the work of a large staff.
- ... Ability to read, understand, and interpret complex written material.
- ... Ability to communicate effectively, orally and in writing.
- ... Ability to speak before groups.
- ... Ability to draft legislative documents.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).

Established by Chapter 12, MRS § 7034.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

None.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Non-competitive position.

General Order 1-B

GAME WARDEN MAJOR

Public Safety, Corrections	9514
Law Enforcement and Related	PSC0134500
Law Enforcement	Range 27
Manager	1090
	(14) IBMPS2

DESCRIPTION: This is managerial investigative and protective services work involving the day to day direction and coordination of field and special Maine Warden Service operations. Responsibilities include planning, coordinating, assigning, and overseeing Warden Service enforcement activities; developing and recommending Warden Service policies; maintaining liaison with other State and Federal law enforcement officials; stimulating interest in fish and wildlife conservation; improving hunting, fishing and other recreational opportunities; and assuming the duties of Chief Warden during the latter's absence. Work is performed under administrative direction.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Directs the day to day operations of the Warden Service in order to assure attainment of established goals and objectives.
- ... Confers with and advises the Chief Warden in order to provide information and recommendations relative to Warden Service policy development, fisheries and wildlife conservation, and law enforcement.
- ... Reviews, evaluates, and inspects the activities of command, staff, and field personnel in order to promote uniform enforcement and high standards, and improve operational procedures.
- ... Directs special enforcement operations in order to coordinate activities within the Department and with other law enforcement agencies.
- ... Recommends changes in management procedures, work assignments, and enforcement techniques in order to improve operational efficiency.
- ... Reviews the Bureau's budget, analyzes expenditures, and monitors equipment inventory in order to insure adequate mission resources.
- ... Confers with various departmental, local, State, regional, and Federal officials in order to coordinate Warden Service activities.
- ... Speaks to interested public groups in order to promote fisheries and wildlife conservation; and hunting, fishing, and other recreational opportunities in the State.
- ... Reviews and tracks legislation in order to determine the impact on the Bureau and its operations.
- ... Monitors and controls Affirmative Action and Equal Employment Opportunity activities in order to achieve stated goals.
- ... Acts as Bureau Director in the Chief Warden's absence in order to provide continuity of operations.
- ... Acts as the Boating Law Administrator for the State in order to ensure provisions of the Boating Law are carried out.

ENTRY LEVEL KNOWLEDGES, SKILLS AND ABILITIES REQUIRED: (Applicants will be screened for possession of these through written, oral, performance, and/or other evaluations.

- ... Knowledge of State and Federal laws, rules, and regulations enforced by the Maine Warden Service.
- ... Knowledge of Department enforcement policies and procedures.
- ... Knowledge of Maine species of fish and game, their habits and life requirements.
- ... Ability to identify and define personnel and administrative problems and recommend solutions.
- ... Ability to manage a large law enforcement activity/group.
- ... Ability to evaluate the work performance of subordinates.
- ... Ability to develop policy and procedures.
- ... Ability to establish and maintain effective working relationships.
- ... Ability to communicate effectively orally and in writing.

FULL PERFORMANCE KNOWLEDGES, SKILLS AND ABILITIES REQUIRED: (These may be acquired on the job and are needed to perform the work assigned).

- ... Knowledge of collective bargaining agreements.
- ... Knowledge of the legislative process.
- ... Ability to determine and define budgetary problems and recommend solutions.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).

Any combination of experience as a Game Warden Sergeant and/or Game Warden Lieutenant totaling three (3) years.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

None.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Will consist of a numerical evaluation of Training and Experience (100%).

General Order 1-C

GAME WARDEN LIEUTENANT

Public Safety and Corrections	9512
Law Enforcement and Related	PSC0134301
Game Warden	Range 25
Supervisor	0390
	(12) IBMPS2

DESCRIPTION: This is supervisory investigative and protective services work involving the coordination of Warden activities in a geographical section of the State. Responsibilities include the direct supervision of Warden Sergeants who in turn provide first-line supervision to District Wardens, training and evaluating subordinates, preparing summary reports of work activities, and explaining and interpreting Departmental regulations. Employees in this class work under limited supervision.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Administers the Warden Service enforcement effort and activities in an assigned geographical area of the State in order to assure impartial and consistent application of law.
- ... Monitors human, material and financial resource utilization within assigned division in order to assure unit productivity and individual efficiency.
- ... Develops and maintains good human relations within the Warden Service, and between Wardens, other divisions, State agencies and the public in order to facilitate cooperation and coordination and enhance the Service's coverage.
- ... Prepares and submits reports of work and reviews and forwards reports and other written material submitted by assigned personnel in order to keep superiors informed.
- ... Participates in Warden Service management decisions and conducts special Warden Service operations and planning projects in order to provide input to the decision making process.
- ... Evaluates and discusses work performance with Sergeants and reviews ratings of District Wardens in order to identify individual strength and weaknesses and training needs.
- ... Trains and/or oversees the training of Warden Service personnel in order to ensure personnel meet established performance standards.
- ... Studies and explains Fish and Wildlife laws, Department policies, general orders and procedures; and recommends changes when appropriate in order to provide consistent interpretation and meet current needs.
- ... Directs, monitors and evaluates the use and maintenance of Department equipment and property in order to conserve resources, promote safety and reliability, and assure availability when required.
- ... Ascertains needs and requests divisional equipment, property and supplies in order to meet assigned missions.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned).

- ... Knowledge of Department's missions, goals, objectives and standard operating procedures.
- ... Knowledge of law enforcement procedures, rules of evidence, and interrogation procedures.
- ... Knowledge of State and Federal fish, game and trapping laws, rules and regulations.
- ... Knowledge of habits of fish and wildlife species.
- ... Knowledge of fishing, hunting and trapping techniques.
- ... Knowledge of proper search and rescue techniques.
- ... Knowledge of Department policy on handling complaints.
- ... Ability to train, direct, supervise, evaluate and discipline subordinate personnel.
- ... Ability to oversee and coordinate the activities of a large group of people.
- ... Ability to analyze facts, draw sound conclusions and make decisions.
- ... Ability to work independently.
- ... Ability to establish and maintain effective working relationships.
- ... Ability to communicate effectively orally and in writing.
- ... Ability to explain complex written material such as laws, regulations and court decisions.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).

Two (2) years as a Game Warden Sergeant.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

None.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Will consist of an Oral Board Examination (100%).

General Order 1-D

GAME WARDEN SERGEANT

Public Safety, Corrections	9517
Law Enforcement and Related	PSC0134300
Game Warden	Range 22
Supervisor	0590
	(12) IBMPS2

DESCRIPTION: This is investigative and protective services work in the supervision of Game Wardens engaged in enforcing Fish and Wildlife laws. Responsibilities include assignment of tasks, review of work results and training of subordinates. Employees in this class direct or coordinate the efforts of others engaged in search and rescue missions, provide advice in difficult enforcement cases and promote the goals of the Department through public speaking engagements. Employees in this class work under limited supervision, following State statutes and Departmental rules and regulations which frequently are subject to some interpretation. Work is reviewed on the basis of attainment of goals through reports of work accomplished and by consultative meetings with the supervisor.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Assigns, directs and evaluates the work efforts and activities of District Wardens within his/her command in order to assure accomplishment of assigned tasks.
- ... Develops and maintains good human relations both within the Warden Service and between Wardens and the public in order to foster a cooperative atmosphere.
- ... Trains, instructs and teaches other warden personnel in job related skills, tasks and duties to assure safe and accurate work is performed.
- ... Reads, studies and explains the current status of Fish and Wildlife laws, Department standard operating procedures and policies to provide current information.
- ... Directs the manner in which job-related complaints and requests are handled within his/her area of command to assure expedient resolution.
- ... Presents a good appearance in order to project a favorable Warden Service image to the public.
- ... Reviews and discusses performance of assigned tasks with employee, examining task outcome against pre-defined performance standards to evaluate work.
- ... Reviews, corrects and records for higher authority reports and other written material submitted by those under his/her command in order to keep them informed.
- ... Compiles and submits reports of hours worked and duties performed and all other job related reports as required in order to account for activities undertaken and completed.
- ... Organizes, directs and coordinates extended or critical search for persons reported lost in order to provide experienced leadership to search participants.

- ... Orders, authorizes, acquires and distributes supplies and equipment to provide for subordinates' needs.
- ... Demonstrates and instructs in the utilization of department equipment within his/her command to show safe and effective usage.
- ... Assigns and directs District Wardens and participates in the investigation of reportable hunting, boating and snowmobiling accidents to ascertain facts involved.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned).

- ... Knowledge of Department policies, procedures and regulations.
- ... Knowledge of activities and duties of District Wardens.
- ... Knowledge of Warden Service jurisdictional boundaries.
- ... Knowledge of State and Federal fish, game and trapping laws, rules and regulations.
- ... Knowledge of related laws of other agencies (i.e., environmental laws, criminal code, etc.).
- ... Knowledge of habits of fish and wildlife species.
- ... Knowledge of fishing, hunting and trapping techniques and the equipment used.
- ... Knowledge of maintenance schedules of equipment used.
- ... Knowledge of investigative techniques and regulations.
- ... Knowledge of rules of evidence.
- ... Knowledge of arrest procedures.
- ... Knowledge of search and seizure laws.
- ... Knowledge of public relations techniques.
- ... Knowledge of proper use of compass and map.
- ... Knowledge of proper use of department equipment.
- ... Knowledge of courtroom procedures.
- ... Ability to work independently.
- ... Ability to make decisions quickly and accurately.
- ... Ability to collect and preserve evidence.
- ... Ability to communicate effectively with people.
- ... Ability to make reasonable deductions from facts obtained.
- ... Ability to coordinate the activities of a large group of people, such as during search and rescue efforts.
- ... Ability to use tact and judgment.
- ... Ability to read, understand and explain complex written material such as laws, regulations and court decisions.
- ... Ability to train other employees and to evaluate their work performance, taking corrective action and exercising disciplinary action when necessary.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).

Four (4) years experience as a District Game Warden.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

Possession of a valid Maine motor vehicle operator's license.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Will consist of a Written Examination (40%), covering the following content areas: Fish and Wildlife Laws, Law Enforcement and Court Procedures, Departmental Standard Operating Procedures and Supervisory Techniques -AND- an Oral Board Examination (60%), covering the following content areas: Commitment to Warden Service, Judgment, Decision Making, Supervisory/Leadership Ability and Communication Skills.

General Order 1-E

GAME WARDEN SPECIALIST

Public Safety and Corrections	9519
Law Enforcement and Related	PSCO134103
Law Enforcement	Range 20
Worker	0384
	21N

DESCRIPTION: This is investigative and protective services work in the application and enforcement of fish, wildlife, environmental and recreational vehicle laws of the State. Responsibilities include special assignments such as laboratory analysis and identification of animal meat, hair and blood samples or performance of scuba diving operations in search and recovery of drowning victims. Employees in this class work under general supervision, exercising judgment in interpreting regulations, issuing warnings and making arrests of violators, and carrying out special assignments. Work is reviewed by the supervisor through personal inspection of field work and by review of regularly submitted reports of activities.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Searches for suspected drowning victims, using scuba equipment and special recovery apparatus in order to recover the body.
- ... Patrols assigned area in order to enforce fish, wildlife, environmental, boating, trapping, snowmobile, and ATV laws.
- ... Identifies areas where conservation measures are needed to protect natural resources in order to make recommendations to supervisor.
- ... Explains fish, wildlife, snowmobile, boating, ATV, and related recreational and environmental laws to individuals encountered on patrols and to various sportsmen and public groups in order to promote understanding and compliance.
- ... Investigates complaints or observed incidences of law violations or problems in hunting, fishing, boating, snowmobiling and trapping activity and with sick and/or nuisance animals such as those causing crop damage, chasing deer or killing domestic animals and, as appropriate, assesses damage in order to further wildlife management and good public relations.
- ... Organizes and directs and/or participates in the search for lost persons.
- ... Inspects beaver dams and, in those cases where they pose a threat of causing flooding, removes them by the proper placement and detonation of explosives in order to eliminate the public danger.
- ... Investigates hunting, boating, wildlife and off highway snowmobile and ATV accidents in order to determine cause and possible law violations.
- ... Inspects camps and seasonal properties for signs of breaking, entering, vandalism, larceny or storm damage in order to assist in the protection of private property.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned).

- ... Knowledge of proper use of scuba diving equipment.
- ... Knowledge of fish, game, trapping, boating, snowmobile, ATV, and land use laws.
- ... Knowledge of the procedures and equipment used in the identification of animal meat, hair and blood.
- ... Knowledge of the safe use and proper maintenance of all equipment used, such as firearms, watercraft and motors, snowmobiles, ATVs, traps and vehicles.
- ... Ability to get along with others, often in difficult situations.
- ... Ability to communicate well orally and in writing.
- ... Ability to work long and varied hours, often under adverse weather conditions and/or in rugged terrain.
- ... Ability to quickly assess available facts and make defensible decisions.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, BUT ARE NOT LIMITED TO the following coursework/training and/or experience).

Experience in enforcing fish and wildlife laws, rules and regulations. Must be at least 21 years of age, have no criminal or extensive motor vehicle record and must be free from any physical defects which would preclude accomplishing the duties of this position.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

Possession of a valid State of Maine motor vehicle operator's license.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

None established.

General Order 1-F

GAME WARDEN INVESTIGATOR

Public Safety and Corrections	9524
Law Enforcement and Related	PSC0134105
Law Enforcement	Range 20
Worker	1189
	(10) IBMPS2

DESCRIPTION: This is investigative, protective services work involving the application and enforcement of fish, wildlife, environmental and recreational vehicle laws of the state and other applicable Federal and State laws. Responsibilities include investigating or directing the investigation of the more serious violations of applicable laws; participating in or directing covert operations recommending actions based on the results of the investigations and operations; advising other Warden Service personnel on interpretation of applicable laws; and recommending changes/clarification to the laws, rules and regulations. Additionally, the employee may periodically supervise other Warden personnel. This class is distinguished from the Game Warden classification by the more in-depth knowledge required, the division wide responsibilities/coverage assigned and the type of investigations conducted. Work is performed under limited supervision and reviewed for soundness of technical judgment, appropriateness and conformity to policy and legal and administrative requirements.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Analyzes data in order to maintain a list of information requirements which, if answered, would add to an understanding of developments in a particular investigation or area of criminal activity.
- ... Investigates circumstances surrounding lost or missing persons in order to determine the facts of the case.
- ... Investigates activity of known and/or suspected law violators in assigned area and throughout the State in order to establish area, type volume frequency and monetary impact.
- ... Disseminates intelligence data on a need to know basis to bona fide law enforcement agencies and/or personnel in order to assist other law enforcement operations.
- ... Conducts surveillance in order to obtain evidence of illegal activity and gather intelligence data.
- ... Interviews complainants, witnesses and violators in order to receive, develop and verify information and evidence pertinent to all investigation or covert operation.
- ... Writes investigative and covert operation reports in order to document case and provide superiors, attorneys or other agencies clear, concise, unbiased and timely information.
- ... Appears and testifies as a State witness before grand juries, district court, superior court, civil/administrative hearings in order to present facts deprived from investigations.

- ... Investigates fish, wildlife and other criminal violations in order to catch offenders and develop prosecutable cases.
- ... Obtains and develops informants in order to establish an intelligence collection network.
- ... Collects, coordinates and preserves tests on evidence done by state and federal crime laboratories in order to maintain chain of evidence.
- ... Investigates hunting incidents involving death and/or an unknown shooter in order to determine facts of the case.
- ... Prepares or advises on the preparation of affidavits and search warrant requests in order to ensure compliance with laws, rules and procedures.
- ... Directs and/or participates in covert operations in order to gather evidence of illegal activities.
- ... Advises other Warden Service personnel on interpretation of applicable laws, rules and regulations and recommends changes/clarification in order to provide uniform understanding.
- ... Serves as instructor in Inland Fish and Wildlife related subjects at the Maine Criminal Justice Academy and conducts in-service training for law enforcement agencies in order to train, enhance and maintain qualifications of law enforcement personnel.
- ... Performs maintenance on assigned equipment in order to ensure proper operation and availability.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned).

- ... Knowledge of fish, wildlife, trapping, boating, snowmobile, ATV and land use laws and other applicable Federal and State laws.
- ... Knowledge of fish and wildlife species, environments and habits.
- ... Knowledge of departmental policies, procedures, rules and regulations.
- ... Knowledge of laws, rules, policies and procedures pertaining to evidence collection and preservation, search and seizure, making arrests and testifying as a prosecution witness.
- ... Knowledge of the safe use and proper maintenance of all equipment used, such as firearms, watercraft and motors, snowmobiles, ATVs, traps and vehicles.
- ... Ability to deal tactfully and authoritatively with the public while enforcing the law.
- ... Ability to testify in court.
- ... Ability to work long and varied hours, often under adverse weather conditions.
- ... Ability to communicate effectively, orally and in writing.
- ... Ability to conduct in-depth interviews and investigations, ascertain facts and form logical conclusions.
- ... Ability to coordinate law enforcement efforts between State, Federal, and out-of-state agencies.
- ... Ability to establish effective working relationships with law enforcement agencies, court officials and the public.
- ... Ability to plan and conduct covert operations.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, BUT ARE NOT LIMITED TO the following coursework/training and/or experience).

Three (3) years experience as a Game Warden.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

None.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Direct Hire.

General Order 1-G

GAME WARDEN

Public Safety and Corrections	9511
Law Enforcement and Related	PSC0134101
Warden Service	Range 18
Worker	1291
	(04) IBMPS2

DESCRIPTION: This is investigative and protective services work in the enforcement of fish and wildlife conservation laws, rules, and regulations and other laws within the jurisdiction of the Maine Warden Service. Responsibilities include patrolling an assigned area; checking fish and wildlife taken by sportsmen; protecting inland fish and wildlife, property, and the public; enforcing applicable laws; investigating complaints and incidents; and searching for lost persons. Work is performed under general supervision.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).

- ... Patrols assigned area, concentrating upon those sections where hunting, trapping and fishing activity is greatest in order to protect inland fish and wildlife resources and the public.
- ... Checks hunting and fishing licenses; fish and wildlife in the possession of sportsmen; and the fishing, hunting, and trapping methods used in order to detect violations of fish and wildlife laws.
- ... Explains fish, wildlife, snowmobile, ATV, boating, and other related recreational and environmental laws to individuals encountered on patrols and to various sportsmen and public groups in order to promote understanding and compliance.
- ... Issues warnings, makes arrests, gathers evidence, and testifies in court in order to enforce laws, rules, and regulations and assist in the prosecution of offenders.
- ... Investigates complaints, observed incidents of law violations, and problems in hunting, fishing, boating, snowmobiling, and trapping activities or with sick or nuisance animals in order to further wildlife management and good public relations.
- ... Organizes and directs or participates in the search for persons reported missing in woodland areas and on inland waters in order to affect rescue.
- ... Investigates hunting, boating, wildlife, and off-highway snowmobile and ATV accidents in order to determine cause and possible law violations.
- ... Inspects beaver dams and removes them when necessary in order to eliminate flooding danger.
- ... Live traps and relocates or destroys animals presenting nuisance or safety problems in order to solve problems and protect the public.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned.

- ... Knowledge of inland fish and wildlife conservation and other laws, rules, and regulations applicable to and enforced by the Department.
- ... Knowledge of hunting, fishing, boating, and outdoor recreation equipment commonly used in Maine.
- ... Knowledge of Department policies and standard operating procedures.
- ... Knowledge of fish and wildlife species, and their environments and habits.
- ... Knowledge of search and rescue methods and techniques.
- ... Ability to establish and maintain effective working relationships.
- ... Ability to endure strenuous physical activity often over difficult terrain and in adverse weather conditions.
- ... Ability to use and maintain Warden Service equipment.
- ... Ability to communicate effectively orally and in writing.
- ... Ability to quickly assess available facts and make sound decisions.
- ... Ability to use and maintain firearms correctly.
- ... Ability to work without immediate supervision.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, BUT ARE NOT LIMITED TO the following coursework/training and/or experience).

Twenty-one (21) years of age, no criminal or extensive motor vehicle record, and free from any physical limitations which would preclude accomplishing the duties of this position.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

Possession of a valid State of Maine motor vehicle operator's license.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Will consist of a Written Examination (40%), Oral Board Examination (60%), Physical Agility Test (P/F), and a Polygraph.

General Order 1-H

GAME WARDEN PILOT

Public Safety, Corrections	9520
Law Enforcement and Related	PSC0134102
Warden Service	Range 23
Worker	0591
	(HD) IBMPS2

DESCRIPTION: This is investigative and protective services work involving the enforcement of inland fisheries and wildlife conservation laws by piloting fixed wing aircraft and performing routine Game Warden duties when available. Responsibilities include flying a variety of missions including reconnaissance, surveillance, search and rescue, aerial research, fish stocking, personnel transport, and assistance to other law enforcement agencies. An employee in this classification may perform routine Game Warden tasks, when available. Work is performed under limited supervision, exercising a high degree of discretion in determining the conditions under which the aircraft is operated.

REPRESENTATIVE TASKS: (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned.)

- ... Pilots assigned aircraft in order to assist in enforcement of State and Federal fish and wildlife conservation and other applicable laws and regulations.
- ... Flies fish and wildlife management study and survey and fish restocking missions in order to support Department goals and objectives.
- ... Flies surveillance missions in order to support Warden Service operations and other law enforcement agencies.
- ... Flies search and rescue missions in order to assist in locating lost and/or missing persons.
- ... Photographs suspects, locations, and vehicles from the air in order to obtain information/evidence for use in investigations and prosecutions.
- ... Transports personnel and equipment when directed in order to expedite Department activities.
- ... Responds to emergency radio messages from dispatchers or other law enforcement personnel in order to provide assistance.
- ... Services aircraft and alters aircraft configuration in order to assure safety and availability standards are met.
- ... Writes detailed reports of investigations in order to assist prosecuting attorneys with case preparation.
- ... Testifies in court in order to give opinions and testimony.
- ... Performs routine Game Warden duties when available in order to assist in accomplishing the Service's mission.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: (These are required to successfully perform the work assigned).

- ... Knowledge of State and Federal laws, rules, and regulations applicable to and enforced by the Department.
- ... Knowledge of Warden Service operations and standard operating procedures.
- ... Knowledge of FAA regulations.
- ... Knowledge of navigation, meteorology, and map reading.
- ... Ability to pilot fixed wing aircraft at low altitudes over wilderness, mountainous, coastal, and populated areas during adverse conditions.
- ... Ability to service and perform minor maintenance and emergency repairs to aircraft.
- ... Ability to make decisions.
- ... Ability to work without immediate supervision.
- ... Ability to communicate effectively, orally and in writing.
- ... Ability to keep records and prepare reports.
- ... Ability to use firearms, operate communication equipment, and drive motor vehicles.
- ... Ability to work irregular hours.
- ... Ability to perform the tasks and responsibilities of a Game Warden.

MINIMUM QUALIFICATIONS: (Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).

Any combination of experience as a Game Warden, Game Warden Investigator, or Game Warden Specialist totaling four (4) years and a valid FAA Commercial Pilot's License without restrictions.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: (These must be met by all employees prior to attaining permanent status in this class).

A FAA Commercial Pilot's License without restrictions, a second class FAA medical certificate, and a FCC third class restricted radio-telephone license.

EXAM PLAN: (This must be successfully completed by all employees prior to attaining permanent status in this class).

Direct Hire.

MAINE WARDEN SERVICE

STATE OF MAINE

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

PREAMBLE

Pursuant to the provisions of Title 12, MRSA, Chapter 703, Section 7034, a written code covering the operating procedure of the Maine Warden Service is hereby prepared. This code is effective when approved by the Director of the Bureau of Human Resources. This code and regulations or orders published under authority of same is the property of the State of Maine. It is to be kept in the possession of Warden Service personnel and turned in at the expiration of employment.

All members of Warden Service are expected to be thoroughly familiar with the contents of this manual which consists of the Code of Operations and Warden Service Policies and Procedures. Any member who violates any regulation or order may be subjected to disciplinary action. All Wardens are invited and encouraged to forward suggestions for the improvement of this manual, in writing, through department channels to the office of the Colonel.

The contents of this manual cannot be expected to cover all situations or emergencies which arise. The very nature of law enforcement work requires Wardens in the field to perform their duties independently and with a minimum of direct supervision. Their own intelligence, practical experience, prudent discretion and common sense will often be their only available guidelines in carrying out their responsibilities. However, Maine law, professional law enforcement administration, and the management of liability require a manual which guides the legal and ethical functioning of a law enforcement agency. Therefore, this manual is created to govern the activities of Warden Service.

A. Purpose

A policy is a statement of Warden Service philosophy on a given issue and consists of principles and values which guide the performance of Wardens. A procedure defines a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of the policy. Officers may depart from policy and procedures if, in their professional judgment, the situation warrants. They must be prepared, however, to justify their actions, and be aware that, in some cases, a violation of a policy or procedure may result in disciplinary action.

B. Distribution and Replacement

1. One copy of this manual consisting of the Code of Operations, Policies and Procedures will be issued to each member, divisional headquarters, and the office of the Colonel, and they will all maintain their copies up to date.
2. Policies and procedures will be rescinded by reissuing a replacement policy and procedure.

A. Purpose

The care and use of firearms by Warden Service personnel deserves special attention because of the potential for injury caused by the misuse of firearms. While no set of rules for the use of firearms can possibly cover every situation that might arise, every police officer is expected to respond to emergencies decisively with the highest level of good judgment and professional competence. A thorough knowledge of this policy pertaining to the use of deadly force will assist in preparing a Warden to act in an appropriate manner. Guidelines pertaining to the proper care and carrying of firearms and related equipment, when strictly adhered to, shall serve to prepare the Warden to face any threat and to protect the Warden from undue criticism and civil liability.

B. The Use of Force Policy will apply to the use of firearms.

C. When possible, every consideration and precaution will be taken not to risk the lives of innocent persons when the use of firearms is contemplated.

D. Authorized Use of Firearms

1. A Warden may use a firearm in the following circumstances if no other reasonable alternative is available and the Warden reasonably believes deadly force is necessary:

a. To defend himself/herself or a third party from what he/she reasonably believes is the imminent use of deadly force.

- b. To apprehend or prevent the escape of a person whom he/she reasonably believes:
 - (a) is committing or has committed a crime involving the use or threatened use of deadly force, or
 - (b) is using a deadly weapon in attempting to escape; or
 - (c) otherwise indicates that he/she is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay.
 - (d) In every case, the Warden should make a reasonable effort to advise the person that he/she is a police officer making an arrest or maintaining an arrest.
- c. To comply with a lawful order from a superior officer.
- d. To enforce laws requiring the use of firearms (i.e. dogs chasing deer, etc.).
- e. To signal for lost persons.
- f. To engage in firearms' training or practice sessions in safe areas.
- g. To dispatch a dangerous animal or one that requires removal from further suffering and other disposal is impractical. In the case of an injured domestic

animal, permission of the owner should first be obtained whenever possible. Great care should be taken to protect the public from ricocheting bullets. If possible, the killing of an animal in the presence of children should be avoided.

E. Drawing and Pointing a Firearm

1. A Warden is permitted to draw and/or display a firearm when:

a. The Warden, in the exercise of sound judgment, has reason to fear his/her own safety or the safety of others (this includes but is not limited to the search for a potentially dangerous suspect, searching a building for a burglar, a robbery in progress, etc.) or

b. The Warden confronts a subject who is suspected of having a deadly weapon in his/her possession. (The intent of this provision is to permit Wardens to protect themselves and/or others, and to avoid the necessity of actually having to use a firearm when the advantage rests with the Warden).

2. In situations involving a strong possibility of danger, a Warden should carry his/her weapon in a position that will facilitate its speedy and safe use. While pointing a

firearm is an indication that a Warden is prepared to use it, the fact that the Warden has done so should not be interpreted by the Warden as an obligation to fire.

3. To avoid confusion, misunderstanding, or misidentification of police personnel, a standardized challenge is recommended when an initial voice command is utilized by a Warden who points a firearm at a potentially dangerous suspect. This challenge shall immediately identify the Warden as a police officer and shall then give clear and concise instructions to the suspect. Slang words or phrases and obscenities should be avoided as they may be misinterpreted. The standard challenge, "Police, Don't Move!" is strongly recommended.

F. Non-permissible Use of Firearms

1. A Warden is not authorized to use a firearm in the following circumstances:
 - a. When foreseeable that less force can accomplish the purpose without unreasonably endangering the Warden or other persons.
 - b. To effect an arrest for a misdemeanor, except when it is necessary for a Warden to protect him/herself or other persons from death or serious bodily injury and all other reasonable alternatives have failed.

- c. Upon any person ordered to halt for a mere suspicion, or any person who runs or drives away to avoid arrest for a misdemeanor or a felony not involving deadly violence. Flight in and of itself is not necessarily evidence of the commission of a crime and is not sufficient reason for the use of a firearm.
- d. As a warning shot.
- e. When doing so would unreasonably and recklessly endanger bystanders.
- f. At a suspect who is concealed in a vehicle or structure which is or appears to be occupied by innocent persons.
- g. At or from a moving vehicle, except:
 - (1) to defend the Warden or another person when being fired upon, or
 - (2) to defend the Warden or another person when a motor vehicle is being used by an assailant as a deadly weapon, and there is imminent threat of death or serious bodily injury, and there exists no other reasonable alternative or avenue of escape, or
 - (3) when the occupants of a vehicle being pursued have committed a felony in which deadly force was used and there is probable cause to believe that

the occupants are the actual offenders, and that their immediate apprehension is necessary for public safety, and there is no other reasonable means available to prevent their escape and secure their arrest. Wardens are further cautioned to consider the high risk of ricochet and the relative ineffectiveness of handgun fire when deciding whether or not to shoot at or from a motor vehicle.

G. Unnecessary Display of Firearms

1. Wardens should avoid pointing firearms at persons in circumstances which are clearly unjustifiable.
2. A Warden may not draw, display, or point a firearm unreasonably, unnecessarily, or recklessly.
3. Firearms shall not be drawn or pointed to coerce admissions, confessions, or to gain information from a suspect.

H. Surrendering a Firearm

1. A Warden should not surrender his/her firearm except in response to a lawful order from a Warden Supervisor.

I. Departmental Weapons and Related Equipment Requirements and Procedures

1. At all times, when on duty, a Warden is authorized and required to carry a firearm and a minimum of two loading devices for revolvers or one loading device for semiautomatic weapons, all of which shall be fully loaded. Only firearms, ammunition and related equipment (i.e. holsters, ammo pouches, loaders) provided or approved by the department shall be worn with the uniform while on duty. Whenever a handgun or shotgun is used by a Warden for law enforcement purposes, only a department issued or approved handgun or shotgun shall be used. Any of the aforementioned items or other issued firearms found to be defective, worn, or damaged must be repaired or replaced immediately.
2. All Wardens must be qualified with the issued or approved weapons he/she carries on duty. However, a Warden may be issued a similar substitute weapon while awaiting repair of a regular duty weapon.
3. All new personnel shall qualify with their department issued or approved weapons within one month of issue or approval. Those new Wardens who have successfully completed and qualified on an equivalent Police Qualification Course, using a comparable weapon, and conducted by certified

Police Firearms Instructor, shall be exempt from this requirement upon approval of the Firearms Officer.

4. When not in use, firearms shall be carried in their proper cases, carriers, or holsters.
5. Unless a firearm is in the direct control of a Warden, it shall be properly secured. If stored at home, it shall be kept in a place not readily accessible to unauthorized persons (preferably locked in a safe place).
6. If a Warden so requests, he/she may carry a personally owned handgun while on duty in lieu of a department issued firearm, but the Warden must first obtain written permission of the Colonel and the Firearms Officer prior to doing so. Such requests will be considered only if the weapon conforms to departmental weapons in general type, style, caliber, workmanship, and serviceability.
7. Wardens carrying firearms on duty shall utilize weapon retention techniques at all times.

J. Firearms Training

1. All Wardens will be required to successfully complete a Warden Service approved training course a minimum of once during each calendar year, and all Wardens must successfully qualify or continue in training up to 30 days until they qualify. After 30 days the Major will review the Warden's training and qualifying status.

2. Only issued and/or approved firearms and equipment will be used by personnel when qualifying.
3. The firearms instructor in charge will be responsible to see that all safety precautions are strictly adhered to at all times by all personnel present at qualification shoots.
4. All participants at qualifications will wear their issued ballistic vests and hearing and eye protection.
5. The firearms instructor in charge will record and forward all individual scores and divisional averages to the Colonel.
6. All Wardens will clean their firearms before leaving the range after qualifications.

K. Off-Duty Weapons

1. The carrying of "off-duty" weapons is not required by Warden Service.
2. Wardens may carry an off-duty weapon while within their jurisdiction.
3. Wardens are expressly forbidden to carry any Warden Service firearm, off-duty, while outside Warden Service jurisdiction.
4. Wardens carrying weapons off duty must use discretion and good common sense. All rules pertaining to the firing of weapons while on duty will also apply to a Warden firing a weapon while off duty.

5. A Warden who elects to carry a firearm while off-duty must have his law enforcement officer identification on his person at all times.

L. Care and Maintenance of Firearms

1. All personnel must keep their assigned weapons clean and in workable condition at all times.
2. Supervisors shall, a minimum of twice a year, inspect the cleanliness of assigned weapons and any issued firearms stored in Warden vehicles.
3. Any Warden discovering a discrepancy (i.e. damage, malfunction) in his/her issued or assigned weapon or in any departmental weapon shall immediately notify their supervisor and make arrangements with the Warden Service armorer to have it repaired or replaced.
4. A Warden shall not attempt to repair, modify, or alter any issued or approved firearm, or allow any other person to do so without first conferring with and obtaining permission of the Warden Service armorer or Firearms Officer.
5. Department issued ammunition shall not be altered in any way and shall be kept clean at all times.
6. Ammunition carried on the person or in patrol vehicles will be replaced a minimum of once per year.
7. Issued shotguns will be carried encased or in a locking gun rack while in a motor vehicle.

8. Shotgun magazines will be loaded with seven (7) rounds of issued buckshot and/or rifled slugs, and an additional ten (10) rounds will be carried in the vehicle.

A. Purpose

All persons operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects law enforcement officers to demonstrate exemplary driving behavior. All department personnel who operate Warden Service vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and law enforcement personnel.

B. Pursuit defined. Pursuit is the act of following, in order to overtake and apprehend an alleged violator or suspect who, after having been requested or signaled to stop, attempts to elude a law enforcement officer by operating a vehicle at a reckless rate of speed.

C. Procedures for all responses:

1. All departmental vehicles will be driven safely and properly in full compliance with all traffic laws and regulations. Law enforcement vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many.

2. Under certain guidelines as defined in this policy, the Maine Motor Vehicle Code authorizes exercise of privileges concerning certain traffic regulations (M.R.S.A. 29A, Section 2054); however, both the operator and the department are not released from civil liability for failure to use reasonable care in such operation. Improper driving can cause a law enforcement driver personal civil damages while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of Warden Service and law enforcement generally.

D. A Game Warden shall not engage in or initiate a high speed pursuit if:

1. The only known offense committed by a violator is a traffic or civil infraction.
2. The identity of the alleged violator or suspect is known and no risk to public safety will exist if immediate apprehension is not made.
3. Persons other than sworn personnel are present in the pursuit vehicle.
4. The violator is operating an A.T.V. or a snowmobile and the Game Warden is operating a motor vehicle.

E. In deciding whether to pursue a vehicle, to continue a pursuit and what speed to pursue at, the Game Warden must evaluate several factors including, but not limited to, the following:

1. The nature of the known offense.
2. Road and weather conditions.
3. Patrol vehicle condition.
4. Time of day or night.
5. Traffic conditions.
6. The safety of other motorists and pedestrians.
7. Type of vehicle involved.
8. Population density of the area.
9. The Game Warden's knowledge of the area.
10. Availability of alternative means to stop a vehicle or apprehend suspect(s).

F. Once a Game Warden has made the decision to pursue, the following procedure will be followed:

1. The Game Warden operating the primary pursuit vehicle shall:
 - a. Use all emergency lights and sirens that are on the pursuit vehicle.
 - b. Notify the appropriate dispatch center of the pursuit and further advise the following:
 - 1). Location, including town, route and direction of travel.

- 2). A description of the vehicle being pursued and the number of occupants.
 - 3). The reason for pursuit.
2. Upon receiving the above information, the dispatcher will inform the Game Warden's commanding officer/or the on-duty field supervisor of the high speed pursuit.
 3. Not more than three Warden Service vehicles shall be engaged in actual pursuit at any given time.
 4. The officer operating the primary pursuit vehicle shall have overall command of the pursuit and may exercise control through the field supervisor.
 5. During the pursuit, the primary pursuit vehicle shall be the command vehicle and the operator shall:
 - a. Attempt to keep the pursued vehicle in sight.
 - b. Continually reevaluate the risks of continuing the pursuit and, if at some point he/she considers the risk to be unacceptable, terminate the pursuit.
 - c. All those in pursuit will attempt at all times to avoid physical contact with the pursued vehicle.
 6. Secondary pursuit or backup vehicles will follow the primary pursuit vehicle at a safe distance so as to be in complete control of their vehicle at all times. The secondary vehicles will use all emergency lights and siren.

If the primary pursuit vehicle should become disabled, the first backup vehicle will become the primary pursuit vehicle and the pursuit will be continued as long as the Game Warden operating it believes further pursuit is warranted. At this time, he/she shall take overall command of the pursuit.

7. A firearm will only be discharged by any Game Warden during a pursuit in compliance with the use of deadly force as justified under 17A, M.R.S.A. Section 108.

G. High speed pursuit shall cease if:

1. In the opinion of the primary officer or the field supervisor, the potential danger to the alleged violator or suspect, uninvolved persons or sworn personnel outweighs the necessity for apprehension.
2. The alleged violator or suspect has been identified and there is no need for immediate apprehension.
3. The location of the pursued vehicle is no longer known.
4. The pursuit will enter heavy traffic or densely populated area, so that the risk to public safety outweighs the necessity for apprehension.

H. Three forceful techniques may be used to terminate a pursuit under extreme emergency conditions. Each technique involves potentially serious risks to both those involved in the pursuit and the general

public and, therefore, it is recommended that they should not be used unless authorized by a supervisor, if possible.

1. Boxing in. This extremely, risky technique should be used only when danger to the public is imminent. The procedure used will be to have a pursuit vehicle in front of the violator's vehicle and where manpower and geographics permit, other pursuit vehicles may be driven beside and/or behind the violator. The officer in the cruiser in front of the violator shall then apply the brakes in an attempt to stop the violator.
2. Ramming. A vehicle should be stopped by ramming only when the use of deadly force is justified. Ramming should be authorized only when all other reasonable attempts to apprehend the violator have failed and the risk to the Game Warden is less than would be the risk to other motorists or public safety in general if the pursuit continued.
3. Roadblocks.
 - a. The highway may be completely blocked only under circumstances in which the public will be placed in grave physical danger if the offending vehicle is allowed to continue. Under such circumstances, the commandeering of trailertrucks and heavy vehicles other than the cruiser is permissible. In most

situations, the complete blockage of the roadway will not be warranted and, therefore, the commandeering of private vehicles should be limited in those instances.

- b. In all cases, the roadblock shall be established so that sufficient visual distance is afforded the alleged suspect or violator so that he/she may recognize the roadblock and stop voluntarily. The blue emergency lights on cruisers shall be activated and other warning devices may be used where practicable. These precautions will also serve to warn the motoring public of the existence of a roadblock.
- c. Game Wardens should be aware of the possibility of injury by the occupant(s) of the offending vehicle upon approaching or stopping at a roadblock and of unintentional accidents. In all cases, the Game Warden shall allow sufficient time to position his/her own vehicle and leave it, taking a position of safety away from it, together with anyone else whose vehicle has been commandeered. This will help ensure against bodily harm should an accident or intentional ramming by the alleged violator or suspect occur. When sufficient time is not allowed

to position a block and to seek a safe position away from the blocking vehicle, then the block shall not be initiated.

- d. In heavy traffic areas where establishing a roadblock would be detrimental to the traveling motorist, blocks should only be established if the circumstances are such that it would be more dangerous to the public to allow the wanted vehicle to continue.

I. Fresh pursuit across state boundaries.

1. Pursuit across state lines is to be entered into only within the permissible authority granted under the Uniform Act on Fresh Pursuit (15, M.R.S.A., Section 151). Pursuit may be continued if the alleged violator or suspect is suspected of having committed murder or a Class A, B or C crime. If the suspected violation is a misdemeanor, then actual pursuit must cease at the state line. However, the officer may proceed, at the speed limit, into another state to provide information to other police agencies reference the pursuit.
2. Pursuit shall not be continued into Canada.

J. In case of accident or damage to any Warden Service vehicle, the driver will immediately request a supervisor. The supervisor will

then contact an outside police agency to conduct an independent investigation. The report will be immediately documented on a state accident investigation form. The Colonel's designee will review all such reports and recommend appropriate action to the Colonel.

K. Should serious bodily injury or death occur as a result of a pursuit, it shall be the responsibility of the Colonel or O.D. to report this to the Attorney General's office. Any use of deadly force shall also be reported in an expeditious manner to the office of the Attorney General.

L. All pursuits initiated by Warden Service shall be reported on a State of Maine Motor Vehicle Pursuit Report form. The Maine Motor Vehicle Pursuit Report shall then be forwarded to the office of the Colonel for appropriate review and distribution to the Maine State Police Traffic Division.

A. Purpose

To establish guidelines governing the use of the "blue light" and "siren" by members of Warden Service.

B. General

1. When pursuing a motor vehicle for the purpose of a stop on a public way, the Warden shall use both the blue light and siren. If the vehicle is stopped on a public way for the purpose of safety, the blue light should remain flashing until the stop is complete.
2. When responding to a situation of which promptness is demanded and where the speed limit is exceeded, the Warden should travel by use of blue light and siren.
3. The blue light and siren can also be utilized in search and rescue operations.
4. The blue light and siren shall not be used indiscriminately.

A. Purpose

To create a uniform policy for the care and control of persons lawfully arrested.

B. Procedure

1. Disposition of Prisoner

- a. When the Warden has arrested a person, his/her duty is to take the prisoner before a magistrate, or deliver him/her according to the mandate of a warrant without unnecessary delay.
- b. Any person arrested for a bailable offense may, before committed to jail, if he so requests, be taken by the officer having him/her in charge before a bail commissioner who may inquire into the case and admit him/her to bail, or submit to personal recognizance bail.

2. Use of force - the Warden may only use that amount of force necessary to:

- a. Effect the arrest and detain the arrested.
- b. Prevent his/her escape.
- c. Retake if he/she escapes.
- d. Protect himself/herself from bodily harm.

3. Handcuffing

- a. This is one way the Warden may prevent escape of a prisoner and also protect him/her from harm.

- b. Handcuffing is discretionary on the part of the Warden, keeping in mind personal safety of officer involved.

4. Property of Prisoners

- a. A Warden shall search all persons arrested both at the scene of the violation and at the county jail prior to confinement and place all belongings in safekeeping for return to him/her when released.
- b. When an arrest is made involving a conveyance of any type, a search of the area under the control of the person(s) arrested shall be made.
- c. When a vehicle is connected with person(s) arrested and is not seized as evidence, the Warden is under an obligation to take positive steps to protect this property according to Policy #8.

5. Protection and Welfare of Prisoners

- a. Once an individual has been taken into custody, the arresting Warden will attempt to assure the health and safety of the prisoner.
- b. If a prisoner is sick or injured at the time of arrest and while in custody of the Warden, it is the duty of the Warden to see that he/she receives adequate medical attention.

6. Identification of Prisoners

All persons arrested may be photographed and fingerprinted when incarcerated.

A. Purpose

1. To establish a policy governing the use of oleoresin capsicum and chemical mace by members of Warden Service.
2. To establish a procedure of notifying the proper authority when oleoresin capsicum has been employed by any member of Warden Service.

B. General Information

1. Oleoresin capsicum shall only be used in those cases wherein the Warden is attempting to subdue an attacker or resisting person or other circumstances which permits the use of force which can be best accomplished by use of oleoresin capsicum.
2. Oleoresin capsicum shall not be used indiscriminately or against mere threats of violence or resistance.
3. Oleoresin capsicum shall not be applied against any person who is secured and properly in custody.
4. The canister shall be placed in the holster and positioned on the gunbelt opposite the weapon and to the rear of the handcuff case.
5. Oleoresin capsicum canisters shall not be carried in any aircraft unless enclosed in a proper container.
6. No Warden shall carry or employ oleoresin capsicum without successfully completing a training course in the use of oleoresin capsicum.

7. Chemical mace shall not be carried or used by any member of Warden Service.

C. Procedure

1. The application of oleoresin capsicum will normally be from a range of four to ten feet.
2. The duration of application of oleoresin capsicum shall be limited to the absolute minimum required to effectively control the individual.
3. Oleoresin capsicum shall not be used against persons who confine themselves in vehicles unless it is to prevent injury to the officer or other individual.

D. Procedure After Use

1. Persons who have been taken into custody and have been contaminated with oleoresin capsicum shall immediately be taken to a jail facility. Jail officials shall be notified of the oleoresin capsicum contamination.
2. First Aid for Oleoresin Capsicum
 - a. Flush contaminated areas with copious amounts of cold water and expose to fresh air as soon as possible after exposure.
 - b. Further relief may be gained by showering and washing affected areas with soap and water.
 - c. Remove contact lenses and clean thoroughly prior to reuse. Contact lenses may be cleaned in the normal

manner.

- d. Remove contaminated clothing and wash thoroughly.

Clothing may be mixed with regular wash.

- e. DO NOT apply salves, creams, oils or lotions to skin surfaces affected, as they can trap the irritant against the skin.

3. In cases where first aid fails to grant relief, medical care should be secured.

E. Incidental Contamination

1. Any other persons contaminated from the use of oleoresin capsicum shall receive treatment as described above.

F. Reporting

1. When oleoresin capsicum is employed by any member of Warden Service, a written report of the incident will be submitted to the Colonel's office via the chain of command. The report shall include the following: date, time, place, recipient's name, officer using oleoresin capsicum, and the names of all other officers present.
2. When oleoresin capsicum is employed by any Warden, that use shall be included in the case report.

A. Purpose

To create a uniform policy for the investigation of all boating accidents, recreational vehicle accidents, hunting/shooting incidents and unattended deaths. To insure that a thorough and proper investigation will be conducted by the member of Warden Service assigned.

B. Procedure

1. The first warden arriving at the scene or the warden assigned to investigate the incident shall be considered the primary investigator unless otherwise advised by higher authority.
2. The investigating warden will be responsible to insure that a proper and thorough investigation is conducted, that appropriate notifications are communicated to department personnel and other agencies, and that written reports are disseminated as directed by this policy.
3. The primary investigating warden, upon arrival, shall first make a cursory examination of the scene, protect the scene from alteration and/or contamination, and identify and record pertinent information of principals and witnesses involved.
4. All necessary photographs shall be taken of accidents involving serious personal injury or death.

5. Reports will be completed and submitted within seven (7) working days following the occurrence. Accidents or incidents requiring a continuing investigation over an undetermined period of time shall require an initial report to be submitted within seven (7) working days of occurrence and continuation reports to be submitted until the investigation is completed, terminated or deemed inactive. Reports shall be fully completed and include:
 - a. Statements from witnesses (if witnessed)
 - b. Diagrams of scene
 - c. Photographs
 - d. Warden Service Investigative Report Summary form. A supplemental report utilizing Division of Recreational Safety forms shall accompany the report. Minor incident reports should utilize the Warden Service Investigative Report Summary form and Division of Recreational Safety forms.
6. All reports covered by this policy that involve serious personal injury or death will be investigated completely and in compliance with the Attorney General's policy on the handling of such matters. The completed reports shall be reviewed and approved by the appropriate Sergeant and Lieutenant prior to being forwarded to the Augusta office.

7. All investigations conducted which result in serious personal injury or death shall be reported by the Lieutenant to the Colonel at the Augusta headquarters as expediently as possible.
8. Exceptions
 - a. The Maine State Police will investigate all recreational vehicle accidents that are brought to their attention that have occurred on or within the right-of-way of a public way that is open for vehicular traffic.
 - b. Warden Service will not be involved, except when required to assist, in the investigation of recreational vehicle accidents which occur in built-up portions of municipalities having an organized, full-time police department.
9. Classification of incidents categorically; notification and report distribution.
 - a. Minor recreational vehicle and boating accident - "minor" shall be considered to mean personal injury not requiring hospitalization for more than 24 hours.
 - (1) Immediate notification:
 - (a) Immediate supervisor or division officer of the day.

- (2) Report disseminated to:
 - (a) Immediate supervisor
- b. Serious personal injury boating, recreational vehicle, and all hunting/shooting incidents.
 - (1) Immediate notification:
 - (a) Immediate Supervisor
 - (b) District Attorney
 - (c) Recreational Safety Officer
 - (2) Reports disseminated to:
 - (a) Immediate Supervisor
 - (b) Recreational Safety Officer
- c. All deaths resulting from boating, recreational vehicle accidents, hunting/shooting incidents, and all unattended deaths.
 - (1) Immediate Notification
 - (a) Immediate Supervisor
 - (b) District Attorney
 - (c) Attorney General
 - (d) Chief Medical Examiner
 - (e) Recreational Safety Officer
 - (2) Reports disseminated to:
 - (a) Immediate Supervisor
 - (b) District Attorney
 - (c) Attorney General

(d) Chief Medical Examiner

(e) Recreational Safety Officer

10. Wardens receiving a report of a drowning that occurred in the inland waters of this State will immediately respond to the scene and conduct an investigation pursuant to this policy and make all the necessary notifications and file all the applicable reports, unless:

- a. If, during the initial investigation, the drowning appears to be of suspicious circumstances or is a suicide, then at that point the investigation will be turned over to the Maine State Police and a CID unit will be notified. Warden Service will continue to assist in the investigation and will conduct any recovery attempt that may be necessary; or
- b. If another agency is on the scene and the body has been recovered, Warden Service will not need to become involved with the investigation.

11. All personnel shall be familiar with the following directives in regard to accident or death investigations and these shall be included as part of this policy.

- a. Attorney General - April 8, 1996
- b. Police Function in Medical Examiner Cases, 1996

APPENDIX I

POLICE FUNCTION IN MEDICAL EXAMINER CASES

(The following pertains to conduct relating to the body of the deceased. See communication from the Attorney General's Office for general protocol regarding medical examiner cases.)

At Scene:

- 1) Ascertain fact of death.
- 2) Photograph and investigate scene without disturbing the body. A search of the pockets may be made for identification purposes if such can be done without disturbing the position of the body.

Bodies in danger of destruction, seriously obstructing right of ways and other important functions, and in the public view such as to be very disconcerting, providing there is no means of excluding the public, may be moved prior to the arrival of the medical examiner, but not until the position is noted and photographs taken, if possible. In most instances, the OCME (Office of Chief Medical Examiner) can be advised before arrival. In fires and water, for example, even this may not be possible.

Bodies badly decomposed are especially fragile and must not be moved by untrained personnel. It may be difficult to keep evidence intact unless the body is carefully bagged at the scene under the supervision of an experienced medical examiner.

The collection of scattered skeletal or dismembered remains may require a medical examiner to be sure all material has been found. The OCME may wish to dispatch special resources such as an anthropologist or body search dogs to find scattered remains. The OCME should be notified without delay to give plenty of time to assemble these resources.

Occasionally, bodies in an extremely remote location may have to be moved due to the inaccessibility, making it impossible for a medical examiner to visit the scene in reasonable time. Before moving the body, the OCME should be contacted to authorize such a removal.

Medical examiners are not obliged to visit the scene of an incident causing death if the body has been removed or if there is survival until transit, but they may find such viewing helpful, and a police officer knowledgeable in the circumstances and location of the injury should assist in such a scene visit. Local medical examiner should not be called. All calls should go directly to the OCME, 1-800-870-8744, and notification should be made promptly so that a medical examiner can be located and dispatched if needed.

3) Projecting weapons should be left in place until the medical examiner arrives. It would be best to leave such in place until the autopsy, but that may not be possible, due to the hazards of transit. The police should assist the medical examiner in assuring safe transit of the body to the location of autopsy. Clothing should not be removed from bodies prior to autopsy. Fingerprints should not

be taken before autopsy, and in cases involving gunshot wounds, the hands should be wrapped loosely in paper bags before transportation of the body.

4) Tagging of Body. If there is to be a scene visit by the medical examiner, the body should not be moved to remove a wallet or other pocket contents until the medical examiner has seen it as it was found. If the medical examiner is not going to the scene or once the body is ready to be moved, having been photographed as found, the wallet can be removed to examine for evidence of identity. The body **MUST BE TAGGED** for removal. The tag should note the name and DOB, if known, and when and where it was found. The tag should be signed by the person completing it.

5) Autopsy. If the body, properly tagged as above, is going to autopsy, a member of the investigating team or representative of the agency is always welcome at the autopsy. The Office of Chief Medical Examiner has no requirement regarding this and the policy of the investigating agency and availability of its staff determine whether someone attends or not. The importance of attending depends upon the nature of the case. In an apparent heart attack case, the need is less than in a case where criminal action is suspected.

The purposes for attending an autopsy:

- a) So that the investigator can better appreciate the findings at autopsy by having them shown to him.

- b) So that the pathologist can be made aware of what the investigation showed as an assist toward determining the significance of the autopsy findings and to make the pathologist aware of what questions the investigators have beyond the cause of death.
- c) So that the agency can take its own photographs in addition to those taken by the Office of Chief Medical Examiner. Close-up photographs of wounds are often valuable. An identification photograph may be needed if it must be shown to friends and relatives to confirm the identity.
- d) So that evidence recovered can be secured and transported to the appropriate depository or laboratory for analysis.
- e) To assist in taking fingerprints.
- f) So that a member of the investigating team will be fully aware of all that the autopsy uncovered as an assist to others in the agency during the course of their investigation.

All of the above can be accomplished without a member of the investigating agency being present at the autopsy if communication before and after the autopsy is good. In the past, a number of autopsies were done in hospitals by hospital pathologists unfamiliar with certain aspects of the forensic case. Now only one or two such autopsies a year are done at hospitals. For this reason, the older requirement for the investigator to be present is not as critical as

it once was, as the forensic pathologists at the Office of Chief Medical Examiner are familiar with all that is required, have staff to assist them, and have the State Police Crime Laboratory a short distance away.

MEDICAL EXAMINER CASES AND THE WARDEN SERVICE

INTRODUCTION

MEDICAL EXAMINER CASES:

- All deaths due to trauma or poisoning, regardless of circumstances and regardless if treated by a physician.
- All sudden and unexpected deaths apparently due to natural means that cannot be reasonable and specifically certified by an attending physician (the attending physician need not be present at the place of death).
- All deaths due to undetermined cause, including skeletal remains.

MEDICAL EXAMINERS -- WHO ARE THEY:

- Two, full time state employed forensic pathologists, Chief and Deputy Chief.
- About 200 part-time, fee for service, sworn officials of the state - all of whom are practicing physicians. These medical examiners have variable expertise and responsibilities to the needs of their private practices.

ROLE OF THE MEDICAL EXAMINER:

- Accept custody of the body.
- Inquire into the manner of death by inquiry of others rather than direct investigation.
- Examination of the body - with or without autopsy and other studies such as post mortem chemistry.
- Certification and reporting of the identity of the deceased, the location, date, time, cause and manner of death.

What this basically means is that whenever a death has occurred not due to specifically identifiable natural causes while under the care of a physician, it must be reported promptly to the Office of Chief Medical Examiner so that a medical examiner can take custody of the body. All trauma cases such as gunshot wounds, drowning, etc. and virtually all deaths in the woods are medical examiner cases.

The law enforcement or investigative agency provides the medical examiner with the information concerning the circumstances of death. The medical examiner does not personally investigate the death but depends upon the findings of others for the most part. This is a watered down judicial inquiry of the type found in the old coroner's system and termed inquest. It is the basis of the medical examiner's decision on how much further examination of a body is needed and what the manner of death is. Manner of death means suicide, accident or homicide.

Often, the medical examiner can get valuable insight into the cause and manner of death from viewing the body at the scene and the scene itself. Such information as the time of death is best determined by the scene examination. An appreciation of the value of a scene examination is the basis of why juries in criminal cases are often brought to the scene of death months after the incident. Despite the fact that, during the trial, hours of testimony and photographs may be presented which describe the scene, it is still felt that a firsthand viewing is the best way to get perspective.

In all cases, the body must be examined in detail. This is the principle reason for having physician medical examiners. Frequently, such an examination cannot be completed at the scene as the circumstances are poor; lighting, weather or public view prohibit complete examination. The investigator should arrange to meet with or at least discuss the case before or during the detailed physical examination to provide information, take photographs, and take evidence such as toxicology samples, bullets, etc. An example of the necessity for information comes to mind in reviewing a recent case where a body had been recovered from the water and showed a penetrating wound. This penetrating wound was identified as due to the hook used in recovering the body. In the absence of this information from the investigator, the cause of this penetrating injury, as seen in the examination of the body, might not have been realized.

PROTOCOL

- I. Upon discovery of the body, ascertain:
 - 1) That the person is dead.
 - 2) The apparent circumstances.
- II. Call or have dispatcher call 1-800-870-8744 giving a brief summary of the case sufficient for the Chief Medical Examiner's Office to decide what further action they must take. They must decide whether to send a medical examiner to the scene, to authorize removal of the body from the scene without a medical examiner, or to notify the Chief Medical Examiner. It is not necessary to have the name of the deceased but the location of the incident is important and an approximate age of the deceased valuable. Examples:
 - 1) Body found in lake, missing for three days since canoe found overturned.
 - 2) Skeleton found in woods.
 - 3) Shot self while hunting, incident witnessed.
 - 4) Old man found dead on cot in cabin.
 - 5) Man about 60, member of hunting party, collapsed in woods, no injury, according to companion history of heart disease.

The above are examples of short summaries sufficient to enable us to judge what further action is necessary, e.g., medical examiner to the scene, removal of body, or call the Chief Medical Examiner.

III. The Chief Medical Examiner's Office can be reached at any hour of the day or night through 1-800-870-8744. In the event of a problem with this line, call State Police headquarters, Augusta. The Chief Medical Examiner's Office will give directions on how to proceed as far as our office is concerned. It should be noted that any requirements to notify the District Attorney are the responsibility of the reporting agency. The Chief Medical Examiner's Office does not undertake this function.

Alternatives:

- 1) Stand by -- medical examiner reporting to the scene.
 - 2) Remove body, contact medical examiner (name) later.
 - 3) More information needed before action can be taken.
- You will be advised of what further information is necessary.

The above number is toll free and can be dialed from private residences without charge to that phone.

IV. Follow through with complete information to medical examiner and arrange with him for photographs and procurement of evidence during his examination.

V. Medical examiner reports, autopsy reports, etc. are sent only upon your request from the Office of Chief Medical Examiner, 37 State House Station, Augusta, Maine 04333.

SPECIFIC CASES

GUNSHOT WOUND - Hunting "accidents" - call 1-800-870-8744.

Experience has shown that all of these should be considered homicide for the purposes of investigation (not arrest). No type of case is more frequently reopened for criminal investigation than the "gunshot wound accident." A call to 1-800-870-8744 will set our office fully into action on these cases. Of course if the death occurs at a location other than the scene; for example, a hospital or ambulance, the medical examiner generally will not go to the scene but prompt notification is still essential. All these cases should be autopsied.

DROWNINGS -- call 1-800-870-8744

Often there is no scene in drownings. The body is found floating or at the bottom of a lake and is taken to a landing. The medical examiner does not go to such scenes on most occasions and the body is first viewed at the hospital or funeral home. The circumstances, as described by the investigator, are key and must be conveyed early on since the decision to autopsy or not depends upon circumstances. Accidental versus homicidal drowning often cannot be distinguished merely by external examination. If the body is found on the shore and it is questionable if it died there or was washed up, a medical examiner may need to go the scene. Examples of drowning incidents with recommended MEDICAL EXAMINER; actions are as follows:

- 1) Boating with others in family, boat overturned. All but one got to shore. Body recovered three days later at bottom of pond. Action -- body taken to morgue and blood

alcohol taken if adult, not autopsy.

- 2) Swimming with others and disappeared under water.

Action -- same as above (1).

- 3) Found floating in water. Unknown circumstances.

Action -- body is removed to the morgue. Autopsy ordered with post mortem chemistry.

- 4) Body found at shore. Unknown if body had been in water.

Action -- medical examiner to scene. He decides what further studies must be done.

- 5) Body found in water. Evidence of injury other than

drowning. Action -- body removed to morgue and examined by medical examiner. Probable autopsy.

- 6) Scuba diver found in water. Action -- body removed from

scene. Usually an autopsy and examination of equipment needed to document cause of death.

NOTE: The more decomposed the body, the harder it is to observe injuries - blunt, stab or gunshot wound. Therefore, the more decomposed the body, the more likely an autopsy is needed unless the circumstances are clear.

APPARENT NATURAL DEATH IN WOODS - call 1-800-870-8744

In older people, the body is usually removed and examined later.

In younger people, the medical examiner may wish to visit the scene.

Autopsy depends upon age, medical history, circumstances and the findings on external examination.

SUICIDE IN THE WOODS -- call 1-800-870-8744

Gunshot wounds -- these are not as troublesome as "accidental" gunshot wounds in terms of later reopening the case but they are a close second. While such incidents need not be assumed to be homicides for investigative purposes, any reasonable doubt in that direction should push one's thinking and action toward a full investigation. Therefore, depending upon circumstances, these may well require a scene visit. Examples:

- 1) A 25-year old male is found sitting at the base of a tree with a contact wound in the right temple region. There is a revolver beside the body. The wardens have been looking for him since he disappeared after his wife left him two days before. A suicide note had been found in his home and on the day of his disappearance he had bought a gun - everything points to suicide.
- 2) A 40-year old female found in a thicket with shotgun wound of the lower abdomen. No previous history of suicide and no known reason for suicide. It is unknown whose gun it is that is found beside her. She had scheduled to meet with relatives for a vacation trip on the day she was reported missing.

The age, sex, previous history, weapon, location of the wound and body, type of death, etc. distinguish the above cases from each other.

In the second case, homicide should be considered.

Ligatures -- hangings are generally suicide but non-suspended ligature strangulations should be treated as suspicious.

Cuts and stabs -- treat as homicide unless circumstances are extremely clear for suicide.

ACCIDENTS -- call 1-800-870-8744

Most are wood cutting accidents. The medical examiner may or may not visit the scene depending upon how difficult it is to reconstruct the incident. In extremely complicated cases, it is wise for the medical examiner to view the total picture.

FIRES -- call 1-800-870-8744

It should be understood that fire may be used to cover homicide and fire victims are difficult to examine externally for injury. Many cabin fires are accidental and may even be caused by the person dying while smoking. The Fire Marshal's Office notification is the responsibility of the investigating agency. Medical examiners may go to the scene, depending upon the circumstances, but generally they do not.

DECOMPOSED BODIES AND SKELETAL REMAINS -- call 1-800-870-8744

These are among the most difficult cases for the medical examiner. Decomposition and skeletonization obscure trauma and causes of death. Often the body is not readily identifiable. As opposed to

finding a body in an apartment, a body found in the woods has no apparent connection with the location. The owner of the woods may be totally unconnected with the deceased. The time of death, cause of death, and identity of the body are all problems. This type of case requires a scene visit by an experienced medical examiner to evaluate such things as the true position of the remains, the length of time dead, and the completeness of the skeleton. It may be difficult for the untrained person to appreciate that a pile of bones was actually lying on its left side. The presence of tree roots running over the ribs indicates a fairly long time since death. The bones must be carefully inventoried as certain parts, such as the hands, tend to bury themselves in the soil with time; and animals frequently carry off parts of the body. An extensive search of the area is needed for clues. Parts have been found carried by animals up to a mile and a quarter from the site of death. Parts found some distance may show a bullet wound indicating the cause of death and may prove the only way the body can be identified. Metal detectors and a full compliment of personnel are needed for searching these areas. Examination of the scene should, whenever possible, be done during daylight. Wallet contents and water soaked papers should not be examined at the scene as they may be destroyed if not handled properly in a laboratory. Care should be taken to gather all artifacts as well as all bones and teeth. It may be necessary to sift the soil in the area of the body through a screen to uncover teeth, small bones, rings, bullets, etc.

On occasion commingled bones of more than one skeleton are present. In general, it would be expected that the wardens could distinguish animal remains from human remains but special care should be taken with the difficult matter of skinned bear paws, ribs and incomplete bones.

SPECIAL SERVICES AVAILABLE FOR SCATTERED REMAINS:

The Office of Chief Medical Examiner has two body search dogs which can be used to find a body or locate scattered parts. It has the services of a forensic anthropologist to inventory and examine skeletal remains who is able to come to scenes to offer valuable assistance. It has a forensic entomologist who can examine the insects found at the scene and on the body to help determine the date or, in cases found years after death, the season of death. The staff of the OCME can assist with its metal detector. If it is necessary to plot very accurately a scene spread over a considerable distance, the State Police may be able to provide laser plotting equipment that greatly enhances the measuring process. SINCE IT TAKES TIME TO ARRANGE FOR THESE SERVICES, IT IS IMPORTANT THAT NOTIFICATION BE MADE TO THE OFFICE OF CHIEF MEDICAL EXAMINER, 1-800-870-8744, AS SOON AS POSSIBLE.

The medical examiner system has no investigators. When the identity must be determined or confirmed by comparison with x-rays or dental charts, the investigating agency must help the medical examiner in locating ante mortem dental charts and x-rays.

PLANE CRASHES -- call 1-800-870-8744

After any fire is out and the victims are known to be dead, the scene should not be further disturbed. The Chief Medical Examiner's Office will notify an FAA medical examiner and a state medical examiner. Scene visits are routine in aircraft accidents.

MISSING PERSONS:

Recent legislation has been passed to allow the medical examiner to collect details on missing persons that may be found dead. Such cases are persons long overdue in aircraft, boats or while hunting or hiking, elderly persons, children, senile or insane persons, persons in frail health, persons who have indicated suicidal intent or who are in jeopardy because of criminal threats or circumstances. Whenever an investigating agency learns of such a case, it should notify the Office of Chief Medical Examiner. Steps will then be taken mutually to assemble a file that can be later used for identification purposes only. This file will be kept at the Office of Chief Medical Examiner and will be readily available whenever remains are found. Included will be a form with details of the person's appearance, clothing and past medical history, x-rays and dental records and x-rays. The Office of Chief Medical Examiner has access to these records from medical sources but must know whom to contact. The investigating agency obtains the information from the family. If the body isn't found until years later - we have identified buried bodies 120 years after death, bodies in the water 32 years after death and bodies on

the forest floor 15 years after death - it may be too late to get details, dental records and medical x-rays. X-rays are recycled for silver content soon after the files become inactive. Since we have started these procedures, we have greatly increased the speed and accuracy of identification of remains.

OTHER MATTERS --

The Chief Medical Examiner will generally notify the Attorney General in cases where this is indicated. However, other notifications, e.g. the district attorney, state police, sheriffs or fire marshal, etc. should be made by the Warden Service as required.

The Office of the Chief Medical Examiner is available to answer any further questions during regular hours at 624-7180; or nights and weekends through the 1-800-870-8744 number. Do not hesitate to call if you have any problems.

Please do not give the 800 number to private parties. We like to keep this line free for emergency calls by investigating agencies.

Notify the Office of Chief Medical Examiner promptly. It takes time to arrange for a scene visit and distant travel may be needed.

Remember to TAG BODIES.

State of Maine
DEPARTMENT OF THE ATTORNEY GENERAL
State House Station 6 • Augusta, Maine 04333
Criminal Division 626-8800 • Investigation Division 626-8520

Protocol
for the
Investigation of
Deaths

ANDREW KETTERER
Attorney General

April 8, 1996

INVESTIGATION OF DEATHS

Office of the Chief Medical Examiner

1-800-870-8744

State Police Dispatch, Augusta

1-800-452-4664

SPECIAL CIRCUMSTANCES

FIRE DEATHS

Call Office of Chief Medical Examiner @ 1-800-870-8744

Contact Fire Marshal by calling State Police Dispatch @ 1-800-452-4664

HUNTING DEATHS

Call Office of Chief Medical Examiner @ 1-800-870-8744

Contact Warden Service by calling State Police Dispatch @ 1-800-452-4664

POLICE-INVOLVED DEATHS

Call Office of Chief Medical Examiner @ 1-800-870-8744

Call Attorney General Investigations @ 626-8520 or 626-8800

To contact Attorney General Investigation evenings or weekends:

Call Brian MacMaster @ 582-4870 (Page: 758-1996) or

Call Bruce Densmore @ 582-6504 (Page: 758-2025) or

Call Fern LaRochelle @ 623-1654 (Page: 758-2096)

WORKPLACE DEATHS

Call Office of Chief Medical Examiner @ 1-800-870-8744

Call Attorney General Investigations @ 626-8520 or 626-8800

To contact Attorney General Investigation evenings or weekends:

Call Brian MacMaster @ 582-4870 (Page: 758-1996) or

Call Bruce Densmore @ 582-6504 (Page: 758-2025) or

Call Fern LaRochelle @ 623-1654 (Page: 758-2096)

State of Maine
Department of the Attorney General

**Investigation of Violent, Unnatural, Unattended,
Unexplained, Suspicious, or Suspected Deaths**

I. BACKGROUND

A. The Attorney General is charged with the investigation and prosecution of all homicides occurring in the State of Maine. 5 M.R.S.A. § 200-A. The purpose of this protocol is to establish procedures for law enforcement agencies in cases of violent, unnatural, unattended, unexplained, suspicious, or suspected deaths. Included are fire, hunting, workplace, and police involved deaths, deaths while in custody or confinement, and disasters with multiple deaths.

B. Technical assistance and expertise are indispensable to the successful investigation and prosecution of homicides. This office will continue to rely upon the State Police Criminal Investigation Division (CID) as its primary homicide investigative arm with such exceptions as will be noted here or in other written instructions from this office.

C. While it is implicit in these procedures that a death has occurred, it is important to note that the procedures are also applicable to those situations where there is no body, but there is evidence that a death may have occurred, as in the case of a missing person where there are signs that violence may have occurred.

II. IMPORTANCE OF DEATH SCENE CONTROL

Control of the death scene is a primary focus of these procedures. Often, the medical examiner can gain valuable insight into the cause and manner of death, as well as the time of death, from viewing the scene and the body at the scene. Moreover, the scene is sometimes replete with subtle clues which could aid in the identification or discovery of the perpetrator. All, or a significant part, of this evidence could be lost through inadvertent disturbance of the scene by persons lacking or failing to exercise the required expertise.

III. PROCEDURES TO BE FOLLOWED IN ALL CASES INVOLVING VIOLENT, UNNATURAL, UNATTENDED, UNEXPLAINED, SUSPICIOUS, OR SUSPECTED DEATHS

A. The first law enforcement officer arriving at the scene of a death is charged with the following duties:

1. Without disturbing the body, determine that death has in fact occurred. If there is any evidence of life, all necessary life-sustaining measures should be initiated.

2. Without disturbing the scene, make a cursory examination of the scene to determine if the death is at all suspicious. (All deaths resulting from gunshot wounds where the victim did not fire the fatal shot are to be considered "suspicious" until a thorough investigation has determined otherwise.) If the death is at all suspicious (or there is no body, but there is evidence that death may have occurred), the following procedures will be followed:

(a) Secure and protect the scene until the arrival of a representative of the Attorney General. The body should not be moved unless the body is in immediate danger of destruction or further damage.

(b) Notify superiors and the Office of the Chief Medical Examiner, the State Police Criminal Investigation Division (except in Bangor and Portland), and the Office of the District Attorney. The Officer of the Chief Medical Examiner will be contacted by calling 1-800-870-8744, and arrangements will be made concerning a medical examiner coming to the scene. The Office of the Chief Medical Examiner will notify the Attorney General's Office. If you wish, however, you may obtain the name and telephone number of the Attorney General duty officer from the Office of the Chief Medical Examiner or State Police Dispatch (1-800-452-4664) enabling you to be in direct contact with the duty officer.

(c) Record names, addresses, telephone numbers, and other pertinent information of all persons present (they may be important witnesses) or assign another person to this task.

(d) Maintain a timetable of all persons arriving and leaving the scene.

(e) Arrest the perpetrator or detain the suspect when probable cause exists and circumstances require it.

(f) Do not undertake a formal interview with the person in custody without first discussing this procedure with the Attorney General representative or State Police detective in charge.

B. If the death is of a non-suspicious nature, the following procedures will be followed:

1. Notify superiors.
2. Notify the Office of the Chief Medical Examiner by calling 1-800-870-8744.
3. Conduct a thorough investigation following departmental procedures.

C. All violent non-suspicious deaths, e.g., motor vehicle deaths, will be reported immediately to the Office of the District Attorney and the Office of the Chief Medical Examiner.

IV. ADDITIONAL PROCEDURES FOR SPECIAL CIRCUMSTANCES

A. Fire Deaths

The State Fire Marshal's Office is designated as the official representative of the Attorney General in the preliminary investigation of fatal fires. The police or fire department officer discovering a body in a fire is charged with notifying the State Fire Marshal's Office by calling 1-800-452-4664 (State Police Dispatch), and the Office of the Chief Medical Examiner by calling 1-800-870-8744. The scene shall not be disturbed or the body moved until authorized by a representative of the Fire Marshal's Office and the medical examiner unless the body is in immediate danger of destruction or further damage. If arson is suspected or the death is otherwise suspicious, the case should be handled as any other suspicious death. (See Section III above.)

B. Deaths while in custody or confinement

Unless obviously due to a natural cause, the death of an individual while in custody or confinement shall be reported immediately to the

Office of the Chief Medical Examiner and the Attorney General's Office as outlined in the preceding sections. (See Section III above.)

C. Disasters with multiple deaths

Regardless of whether clearly accidental, the Office of the Chief Medical Examiner and the Attorney General's Office shall be notified of disasters with multiple deaths as outlined in the preceding sections. (See Section III above.)

D. Hunting fatalities

The State Warden Service is designated as the official representative of the Attorney General in the preliminary investigation of hunting fatalities. The police officer encountering an apparent hunting fatality is to notify the Office of the Chief Medical Examiner by calling 1-800-870-8744, and the State Warden Service by calling 1-800-452-4664 (State Police Dispatch) in Augusta. The scene shall not be disturbed or the body moved until authorized by a representative of the State Warden Service and the medical examiner unless the body is in immediate danger of destruction or further damage.

E. Police-involved deaths

1. The Investigation Division of the Attorney General's Office is designated as the official representative of the Attorney General in the investigation of police-involved deaths. A "police-involved death" means a death resulting from a law enforcement officer's action. Not included, however, is a motor vehicle fatality unless it results from the imposition of force by a law enforcement officer, such as ramming, bumping, or a police roadblock.

2. A police-involved death shall be immediately reported to the Chief Medical Examiner by calling 1-800-870-8744 and the Investigation Division of the Attorney General's Office by calling 626-8520 or 626-8800. Representatives of the Investigation Division can be reached during evening and weekend hours by calling 582-4870 (Brian MacMaster), or 582-6504 (Bruce Densmore), or 623-1654 (Fernand LaRochelle), or by calling 1-800-452-4664 (State Police Dispatch).

3. A police-involved death will be the subject of an investigation by the Department of the Attorney General for the purpose of determining whether or not the physical force by a law enforcement officer was legally justified.

4. The scene shall not be disturbed or the body moved until authorized by a representative of the Attorney General and the medical examiner unless the body is in immediate danger of destruction or further damage. Involved officers should be separated until the arrival of an investigator from the Department of the Attorney General. Members of the State Police Crime Lab or similar personnel from another agency dispatched under the authority of the Attorney General for the purpose of processing the scene shall be allowed access to the scene.

For further information with respect to the reporting and investigation of a police-involved death and the use of deadly force by a law enforcement officer, see the Attorney General's protocol regarding the Reporting and Investigation of the Use of Deadly Force, a copy of which is attached.

F. Workplace fatalities

1. The "workplace manslaughter" law is applicable to those situations where an employee dies in the workplace. While not every death which occurs in the workplace is a "workplace manslaughter," all workplace deaths must be reported immediately to the Office of the Chief Medical Examiner by calling 1-800-870-8744, and the Occupational Health & Safety Administration (OSHA) by calling 1-800-321-6742.
2. The Chief Medical Examiner's Office will notify the Investigation Division of the Attorney General's Office, or you may notify the Investigation Division directly by calling 626-8520 or 626-8800. Representatives of the Investigation Division can be reached during evening and weekend hours by calling 582-4870 (Brian MacMaster), or 582-6504 (Bruce Densmore), or 623-1654 (Fernand LaRochelle), or by calling 1-800-452-4664 (State Police Dispatch).
3. While the initial scene investigation of a workplace death will continue to be the responsibility of the agency normally providing law enforcement services in the particular locale, any prosecution under the workplace manslaughter law will be brought by the Attorney General's Office. Moreover, depending on the circumstances, investigators from the Attorney General's Office may be assigned to assist in the investigation of these matters. It is also likely that investigators from the Occupational Health and Safety Administration (OSHA) or the Maine Bureau of Labor Standards (BLS) will be assigned to assist in the investigation.

4. At the request of the Office of the Chief Medical Examiner, officers are reminded that during the initial police response and scene investigation of these matters, they should secure the scene as necessary to preserve evidence and prevent scene contamination, and take measurements, photographs, and other relevant objects or specimens from the scene or the victim as will assist the medical examiner or the Office of the Chief Medical Examiner in determining the cause and circumstances of death pursuant to 22 M.R.S.A. § 3028.

G. Child deaths

1. Currently, when law enforcement officers proceed to the scene of a child death and foul play is suspected, the officers follow this protocol as stated in Sections II and III above. That practice should continue.
2. Additionally, however, after discussions with the Office of the Chief Medical Examiner, it has been decided to expand the scope of instances where a thorough scene investigation will be conducted in an attempt to determine the cause, manner and circumstances of the death of a child. A "child," for these purposes, is a person under the age of three years. The authority of the medical examiner in these cases is granted pursuant to statute. 22 M.R.S.A. §§ 3025 and 3028.
3. The investigation of child death cases will be expanded beyond those situations of suspected criminal involvement. In addition to those suspicious child deaths that merit a criminal investigation, two additional categories of child deaths are included for special investigation:
 - a. Cases in which the cause of the child's death is not apparent. All of these will be specially investigated.
 - b. Selected trauma cases. The decision to specially investigate these cases will be made on a case-by-case basis by the Office of the Chief Medical Examiner.
4. If the decision is made to specially investigate a particular traumatic death, the Office of the Chief Medical Examiner will notify the appropriate investigating agency. The scene should continue to be protected until a representative from that agency arrives.

5. If the decision is made not to specially investigate a particular traumatic death, the responding officer will be notified by the Office of the Chief Medical Examiner so that the scene need no longer be protected. Of course, an appropriate routine level investigation is still necessary as in any case of death by other than natural cause.

6. The purpose of the investigation, special or routine, in each case is to determine, to the extent possible, the cause, manner and circumstances of the child's death. Deaths of young children are being singled out for special investigation because of the different technical approach and types of inquiry needed in pursuing them.

7. It is important for the first responding law enforcement agency to also protect the scene in the two types of cases enumerated above, as would be done in instances of suspicious death, until a decision is made concerning the need for a special investigation.

Dated: April 8, 1996



ANDREW KETTERER
Attorney General

ANDREW KETTERER
ATTORNEY GENERAL



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59 PREBLE STREET
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

REPORTING AND INVESTIGATION OF THE USE OF DEADLY FORCE

Authority. State law provides that the Attorney General has exclusive jurisdiction for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that officer's duties, uses deadly force. 5 M.R.S.A. § 200-A. Such use of deadly force may be the subject of an investigation by the Department of the Attorney General for the purpose of determining whether or not the use was legally justified. If it is determined that an investigation will be conducted, investigators from the Department of the Attorney General will be assigned to conduct or supervise the investigation.

Definition. For purposes of this protocol, "deadly force" has the same meaning as in Title 17-A, section 2, subsection 8. "Deadly force" is thus defined as "physical force which a person uses with the intent of causing, or which the person knows to create a substantial risk of causing, death or serious bodily injury¹. Intentionally or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force."

Requirement. Any law enforcement agency whose officer uses deadly force while acting in the performance of that officer's duties shall notify, as soon as practicable, the Attorney General of the event. 5 M.R.S.A. § 200-A. In order that the Attorney General may properly carry out his investigative responsibility, the following circumstances in which physical force is used will require reporting to the Department of the Attorney General by the agency whose officer uses such force while acting in the performance of that officer's duties:

1. The use of physical force that causes death or seriously bodily injury.

¹As used here, "seriously body injury" means a bodily injury, i.e., physical pain, physical illness or any impairment of the physical condition, which creates a substantial risk of death or which causes severe, permanent disfigurement or loss or substantial impairment of the functions of any bodily member or organ, or extended convalescence necessary for the recovery of physical health. 17-A M.R.S.A. § 2(23).

2. The use of physical force under circumstances in fact creating a substantial risk of causing death or serious bodily injury, whether or not death or injury actually results.
3. The use of physical force when it is the officer's intent to cause death or serious bodily injury, whether or not death or injury actually results.
4. The discharge of a firearm in the general direction of another person or at a moving vehicle.
5. Ramming an occupied vehicle.
6. A roadblock set up to terminate a vehicular pursuit that in fact creates substantial risk of causing death or serious bodily injury to the occupants of the fleeing vehicle, whether or not death or injury actually results.

Threat to use deadly force is not the use of deadly force. Note that in each of the six mandatory reporting circumstances identified above, the law enforcement officer must have actually engaged in the use of physical force. The actual use of physical force, as distinguished from a threat to use the same, requires forceful physical activity exerted upon or against another person. A threat to use deadly force does not constitute the actual use of physical force. Under Maine law, pointing a firearm at another person is not the use of physical force. The discharge of the firearm in the general direction of another person or at a moving vehicle, however, is the use of physical force under Maine law. As long as the firearm is not discharged, pointing a firearm in the direction of another person constitutes a threat to use physical force rather than the actual use of physical force.

Deadly force in vehicle pursuits. Ramming an occupied vehicle must be reported. A roadblock set up to terminate a vehicular pursuit which results in death or serious bodily injury to the occupants of the fleeing vehicle or creates a substantial risk of doing so must be reported.

Procedure for Reporting. In any of the six mandatory reporting circumstances identified above, the incident must be reported as soon as practicable by the officer's agency to the Investigation Division of the Department of the Attorney General which can be accomplished by calling 626-8520 or 626-8800. Representatives of the Investigation Division can be reached during evening and weekend hours by calling any one of the following:

Brian MacMaster	home 582-4870	pager 758-1996
Bruce Densmore	home 582-6504	pager 758-2025
Fernand LaRoche	home 623-1654	pager 758-2096
State Police Dispatch	1-800-452-4664	

In addition, if the use of physical force results in the death of an individual, the agency whose officer used physical force must notify as soon as practicable the Office of the Chief Medical Examiner by calling 1-800-870-8744. Finally, the agency must notify the Office of the District Attorney.

Preservation of the Scene and Witnesses. If, upon reporting, it is determined that an investigation will be conducted, the scene shall be preserved and involved officers separated by available law enforcement officials until the arrival of an investigator from the Department of the Attorney General or a designee, who will be responsible for coordinating the investigation and processing the scene. The scene shall not be disturbed or, in case of a death, the body of the deceased moved until authorized by a representative of the Attorney General and the medical examiner unless the body is in immediate danger of destruction or further damage. Members of the State Police Crime Lab or similar personnel so designated and dispatched under the authority of the Attorney General for the purpose of processing the scene shall be allowed access to the scene.

Interviews of Officers. During the course of the Attorney General's investigation, no member or representative of the subject law enforcement officer's department will be present during interviews of the officer except in those circumstances where the officer requests or consents to the presence of a member or representative of his department and, even then, only after it has been clearly explained to the officer that the interview is being conducted pursuant to a criminal investigation by the Department of the Attorney General, and that the interview is not in anyway associated with an administrative or internal affairs investigation. In the event that a member or representative of the officer's department is present for an interview, that person will not in any way participate in the interview, but act merely as an observer. A member or representative of the subject law enforcement officer's department may not issue any order or instruction of any type concerning whether the officer should or should not talk with an investigator from the Department of the Attorney General.²

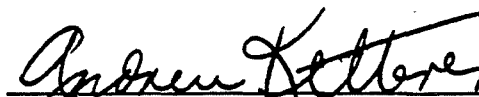
Public Statements. Press statements or other public comments regarding a determination of the subject officer's legal justification or criminal liability may not be issued except by the Department of the Attorney General. It is important, also, that press contacts in other regards, particularly with respect to the facts of a particular situation, be coordinated with the Department of the Attorney General. Release of the name of the subject officer will, when at all possible, be postponed until the officer and the head of the officer's department are notified that such information will be released.³ As in any case, the name of a decedent will not be released until the family or next of kin has been notified.

²This section is necessary to maintain the appropriate distinction between the Attorney General's criminal investigation and an administrative or internal affairs investigation.

³The name of the subject officer in matters involving the use of deadly force is public information. 5 M.R.S.A. § 7070-A.

Further Information. Questions about this protocol should be addressed to Brian MacMaster, Director of Investigations, Department of the Attorney General, 6 State House Station, Augusta, Maine 04333, telephone 626-8520.

Dated: April 8, 1996



ANDREW KETTERER

Attorney General

A. Purpose

To provide agency personnel with guidelines for disposing of vehicles involved in a crime or crimes.

B. Inventory

1. In all cases where a vehicle is seized by a Game Warden, regardless of the reason for the seizure, the Warden should examine the vehicle prior to its removal by the tow truck and make a written inventory of all personal property contained in the vehicle. If extenuating circumstances, i.e., dangerous road conditions, make an inventory prior to removal by the tow truck inadvisable, all doors of the vehicle should be taped in order to show any unauthorized entry; and the vehicle should be inventoried upon reaching the impoundment area. Immediately following the inventory at the impoundment area, the doors of the vehicle should be taped again.
2. The purpose for which an inventory may be made are limited to (1) the protection of the vehicle owner's property while the vehicle remains in the custody of law enforcement officer, (2) the protection of law enforcement officer against claims or disputes over lost or stolen property, and (3) the protection of law enforcement officers and the public from danger. Accordingly, the scope of an

inventory examination for personal property located in the vehicle must be restricted solely to those areas of the vehicle where a person would normally leave his belongings. These areas would usually include the glove compartment, the trunk, the sun visors, the front and rear seat areas, and other places where property is ordinarily kept, but not hidden areas. The operator of the vehicle should be asked if there are any hidden valuables in the vehicle prior to the completion of the inventory.

3. Any valuables such as guns, cameras, radios, sporting equipment, expensive clothing, etc., found in the course of the inventory of the vehicle should be turned over to the owner unless the valuables are held by the Warden on probable cause that the valuables fall within one of the three categories of seizable property listed in Rule 41, Maine Rules of Criminal Procedure, to wit, (1) property that constitutes evidence of the commission of a criminal offense, (2) contraband, the fruits of crime, or things otherwise criminally possessed, or (3) property designed or intended for such use or which is or has been used as the means of committing a criminal offense. If, during the course of an inventory, the Warden discovers contraband or other items which fall within one of the three categories of seizable property listed in Rule 41, Maine

Rules of Criminal Procedure, the Warden, if he has probable cause, may seize the items, which are admissible as evidence in court. Since the Warden's entry into the vehicle is justifiable for the limited purpose of protecting property in the vehicle and there has been no search in the legal sense, any discovery of incriminating evidence falls within the "plain view" doctrine which permits the non-trespassing law enforcement officer to seize contraband or other incriminating items discovered in open or plain view. However, the intensity of the inventory examination must be limited according to its purpose. This, if a Warden dismantles the vehicle, looks behind the upholstery or in any other manner indicates that his purpose is other than to protect the property in the vehicle, the courts will consider the inventory examination to be a subterfuge designed to uncover incriminating evidence. In that event, the inventory will be considered an illegal search and the fruits of the search will be inadmissible in court.

4. Since the primary purpose of the inventory examination is to protect property in the vehicle, if the owner of the vehicle is available, does not want an inventory made, wishes to make his own arrangements for the protection of the property in his vehicle, and agrees to assume full

responsibility for the contents of the vehicle, then the Game Warden should respect his wishes. If an inventory examination is not done due to the request of the vehicle owner or operator, a signed statement indicating this request will be obtained. However, if a Warden reasonably believes that the contents of an automobile or the contents of a locked compartment in an automobile present a danger to himself or others, he may make an inventory of either the contents of the vehicle or the contents of the locked compartment accordingly, notwithstanding that the vehicle owner does not want an inventory made.

5. Any searches after the initial inventory examination may be done only with a search warrant.

C. Towing

Prior to removal of the vehicle from the scene by a tow truck, the Game Warden will obtain a receipt from, and signed by, the tow truck operator.

D. Storing

All impounded vehicles will be stored in an area that will insure their safety, e.g. State Police impoundment area, Warden Service garages, etc.

E. Notification

In the event a vehicle is impounded without the owner's or operator's knowledge, the appropriate State Police barracks will be notified. All reasonable attempts will be made as soon as possible to notify the owner of the impounded vehicle.

F. Release of Vehicles

Prior to the release of the seized vehicle, the owner will sign a receipt for the release of the vehicle to him as well as a receipt for the return of all items listed on the inventory sheet with the exception of any property seized by the Warden which falls into one of the three categories of seizable property listed in Rule 41, Maine Rules of Criminal Procedure.

A. Purpose

To create a uniform policy for members of Warden Service rendering assistance to other law enforcement agencies.

B. General Procedure

1. Members of Warden Service, whenever possible, shall respond to requests for assistance from other law enforcement agencies - municipal, county, state and federal.
2. When a Warden receives a request for assistance, the Warden may respond and notify his/her immediate superior or divisional officer of the day as promptly as possible.
3. Wardens responding shall assume an assisting posture. Any procedural decisions will be made by a representative of the agency requesting assistance.
4. Wardens shall carry out, to the best of their ability, all lawful orders requested by the agency they are assisting, providing they adhere to established Warden Service Policy and Procedure.
5. Wardens responding to a request for assistance from another agency shall be mindful of their personal safety as well as all other persons present.

A. Purpose

The Maine Warden Service recognizes and respects the value and special integrity of each human life. In vesting officers with the lawful authority to use physical force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this Department that an officer may use only that force that the officer reasonably believes is necessary to effectively bring an incident under control, while protecting the officer or another. This policy provides officers with guidelines on the use of physical force, both nondeadly and deadly.

B. Officers to be familiar with Title 17A, Section 107, and Chapter 2 of L.E.O.M.

C. Definitions

1. Bodily Injury: Physical pain, physical illness or any impairment of physical condition.
2. Deadly Force: Physical force which a person uses with the intent of causing or which the person knows to create a substantial risk of causing death or serious bodily injury. Intentionally or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force.
3. Nondeadly Force: Any physical force which is not deadly force.
4. Reasonable Belief: The facts or circumstances the

officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

5. **Serious Bodily Injury:** A bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health.
6. **Use of a Dangerous Weapon:** Use of a firearm or other weapon, device, instrument, material, or substance, whether alive or inanimate, which, in the manner it is used or threatened to be used, is capable of producing death or serious bodily injury.

D. **Procedures - Use of Physical Force**

1. **Parameters for the Use of Nondeadly Force:**
 - a. An officer is justified in using a reasonable degree of nondeadly force upon another person:
 1. When to the extent the officer reasonably believes it is necessary to effect an arrest, to prevent escape from custody of an arrested person, unless the officer knows that the arrest and detention is illegal.
 2. To defend the officer or a third person from what the officer reasonably believes to be

the imminent use of nondeadly force encountered while attempting to effect such an arrest or while seeking to prevent such an escape.

3. To defend the officer or a third person from what the officer reasonably believes to be the imminent use of unlawful, nondeadly force.

b. Where nondeadly force is justified an officer should assess the incident in order to determine which technique or weapon will best de-escalate the incident and bring it under control in a safe manner.

2. Parameters for the Use of Deadly Force:

a. An officer is justified in using deadly force only when the officer reasonably believes that such force is necessary to:

1. Defend the officer or a third person from what the officer reasonably believes is imminent use of deadly force.

2. Effect an arrest or prevent the escape from arrest of a person when the officer reasonably believes that the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to

inflict serious bodily injury unless apprehended without delay; and:

- a. The officer has made reasonable efforts to advise the person that the officer is a Maine Game Warden attempting to effect an arrest or prevent an escape from arrest and the officer has reasonable grounds to believe the person is aware of the advice; or,
- b. The officer reasonably believes that the person to be arrested otherwise knows the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest.

E. Procedures - Reporting the use of nondeadly physical force, use of physical force, use of physical force that results in bodily injury, or an accidental discharge.

1. The officer's immediate supervisor shall be notified immediately and respond when:
 - a. A person is injured due to the use of nondeadly force by an officer;
 - b. A person complains that bodily injury has been inflicted by the officer as a result of nondeadly force used; or

- c. An accidental discharge occurs.
2. The immediate supervisor should document the response and the actions taken and take photographs when appropriate.
3. The immediate supervisor shall contact the Major and observe the appropriate contract provisions, if any, if the following occurs:
 - a. A citizen makes a formal complaint; or
 - b. The immediate supervisor has reason to believe the officer:
 1. Engaged in misconduct:
 2. Violated a statute; or
 3. Violated a Warden Service rule, policy, or procedure.

F. Procedure - Reporting and response to the use of deadly force or the use of physical force resulting in death or serious bodily injury.

1. The involved officer's immediate supervisor shall be notified immediately and respond to the scene when:
 - a. Deadly force is used; or
 - b. Use of physical force results in death or serious injury.
2. The immediate supervisor shall ensure that the Department of Attorney General, Statewide O.D., Division Lieutenant, and Division O.D. are notified immediately.

3. Criminal Investigation

- a. The Department of Attorney General will be conducting an independent criminal investigation as it pertains to the actions of the involved officer. The immediate supervisor shall secure the scene until the Attorney General's investigators arrive. Officers and civilians who are not administering medical attention or securing evidence that may be destroyed prior to the arrival of the investigators are to be kept out of the scene.
- b. The Criminal Investigation Division of the Maine State Police shall conduct the criminal investigation of persons other than the involved officer, when necessary. If criminal conduct has occurred, the results of the investigation will be forwarded to the appropriate prosecuting official.

G. Care for Involved Officer - See the policy addressing Actions After Critical Incident: Post-Traumatic Stress Disorder

H. Internal Incident Review

1. The Colonel shall appoint an Incident Review Team consisting of the following:
 - a. An officer who is ranked as a Lieutenant from a division other than that of the officer involved.
 - b. The officer in charge of training.

- c. The Firearms Training Officer.
 - d. The Colonel may substitute another officer for the Firearms Training Officer or officer in charge of training, if the Colonel determines that a conflict of interest exists.
2. The Colonel shall appoint legal counsel to assist the Incident Review Team.
 3. The Incident Review Team must review the incident to determine:
 - a. The facts of the incident.
 - b. Whether relevant policy was clearly understandable and effective to cover the situation; and
 - c. Whether training should be reviewed or revised.
 4. The Incident Review Team shall generate a report with recommendations for the Colonel's review.
 5. The Incident Review Team shall follow the provisions of applicable contract regarding member's rights and if, at any time during the review, the Team believes that misconduct occurred, or rules, policy, or procedures of the Warden Service were violated, the Team shall advise the Colonel.

ON-SCENE CHECKLIST

DISCHARGE OF FIREARMS/OFFICER INVOLVED SHOOTING

DATE _____ TIME OF OCCURRENCE _____

SCENE MANAGER _____

ACTIVITY LOG STARTED _____ BY _____

NOTIFICATIONS

ATTORNEY GENERAL OFFICE _____ TIME _____
(1-800-626-8800)

STATEWIDE O.D. _____ TIME _____

DIVISION LIEUTENANT _____ TIME _____

DIVISION O.D. _____ TIME _____

MEDICAL EXAMINER'S OFFICE _____ TIME _____
(1-800-452-8744)

MAINE STATE POLICE _____ TIME _____
(1-800-452-4664)

OFFICERS AT SCENE

<u>OFFICER</u>	<u>ARRIVED</u>	<u>DEPARTED</u>	<u>ASSIGNMENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A. Purpose

To state the current procedure regarding transfer as referred to in the Law Enforcement Bargaining Unit Agreement.

B. Procedure

1. All Warden Service personnel shall be advised in writing of all vacant positions within Warden Service at least 15 calendar days prior to the selection of a member to fill such vacancy.
2. All requests for transfer shall be made in writing to the Colonel within the required posting period.
3. The most senior employee who is qualified to perform the duties of the position shall be entitled to the transfer of reassignment.
4. All applicants shall be notified in writing by the Colonel as to the selection made.

A. Purpose

To establish a uniform policy on equipment.

B. Procedure

1. Warden Service personnel are responsible to see that all equipment issued to them is maintained in good and serviceable condition.
2. Lieutenants shall be responsible to oversee the maintenance of all equipment assigned to the division.
3. When equipment becomes unsafe, worn out, or receives such little use as to make the holding of such equipment impractical, the equipment may be replaced or recalled for redistribution by the Colonel, Major, Lieutenant or Sergeant.
4. Assigned equipment shall be equipped as set forth:
 - a. Motor Vehicles - Warden Service personnel shall strictly adhere to Central Fleet's policies and procedures if they are operating a fleet vehicle leased to the Warden Service.
 - b. All personnel shall be responsible to see that his/her assigned vehicle is kept clean and maintained so as to pass State inspection at any time.

- c. All vehicles assigned to Warden Service field personnel will contain:
- (1) Serviceable spare tire, jack and wheel wrench
 - (2) Tire Chains (if applicable)
 - (3) Fire Extinguisher
 - (4) Emergency Blue Light and Siren
 - (5) First Aid Kit
 - (6) Biohazard Kit
 - (7) Flashlight
 - (8) Rainsuit
 - (9) Binoculars
 - (10) Accident Investigation Kit
 - (11) Portable Radio
 - (12) Title 12 (current and updated)
 - (13) Briefcase containing necessary forms and law books
 - (14) Coveralls
 - (15) Snowshoes (if applicable)
 - (16) Issued Soft Body Armor
 - (17) Issued Shotgun and Ammunition
- d. Trailers - All trailers shall be kept painted and

equipped with safety chains, taillights and hitches as prescribed by Maine law. Wheel bearings will be inspected regularly. They should be greased at least once during each forty hours of operation or twice a year, whichever comes first.

- e. Boats and Canoes - Boats and canoes will be equipped with lights and safety devices as required by the Maine Boat Law and will be maintained in a serviceable and presentable condition. Wooden seats and fittings will be kept painted or varnished, and the registration numbers will be complete and legible. When the watercraft is left outside on land, drain plugs will be removed to prevent water accumulation and possible damage.
- f. Snowmobiles - Snowmobiles will be equipped in accordance with the Maine Snowmobile Laws and kept in good and serviceable condition. They shall carry extra spark plugs and extra belt during the winter months. Arrangements shall be made to assure storage of the snowmobile under shelter during the snow-free months. Before the

machine is put away for the summer, Sergeants will inspect them to make sure that each engine has been fogged and the gas tank has had a fuel stabilizer added to it.

- g. Outboard Motors - All outboard motors will be maintained in good and serviceable condition. Lower drive units shall be drained each fall if the motor will be stored in an unheated storage area. Motors that are used in salt water will be flushed in fresh water before storage. During winter or other periods of nonuse, motors shall be kept and stored under shelter.
- h. ATVs - All ATVs will be equipped in accordance with Maine ATV laws and kept in good and serviceable condition. They shall be kept under shelter, when possible, especially during long periods of nonuse.
- i. All other issued equipment will be clean, properly maintained and operational when needed. This is the responsibility of the person to whom such equipment is issued.

A. Purpose

The purpose of this policy is to provide guidelines that shall be applied following an incident that results in death, serious bodily injury or exposure to a traumatic incident, to minimize the chances that personnel will develop or suffer from post-traumatic stress disorder.

B. Policy

Law enforcement duties may expose an officer to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless appropriately handled, these situations may cause disabling emotional and physical problems. Incidents where an officer's action results in death or serious bodily injury to a citizen or exposure to a traumatic incident precipitate stress disorders. Therefore, immediate action must be taken after an incident to minimize emotional harm and safeguard the mental health of Warden Service personnel.

C. Definitions

1. Immediate Supervisor: The officer responsible for the involved officer. A supervisor may be the officer to whom the involved officer normally reports or, if unavailable, the officer who has been assigned that responsibility for the day.

2. Incident: A line-of-duty occurrence that results in the death, serious bodily injury, or exposure to serious trauma.
 3. Involved Officer: An officer whose line-of-duty action results in death, serious bodily injury, or exposure to serious trauma.
 4. Post-Traumatic Stress Disorder: An anxiety disorder that may result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- D. Procedures - Handling Involved Officer at Scene of Incident
1. When notified of an incident, the immediate supervisor shall immediately respond to the scene and shall:
 - a. Ensure that the involved officer is cared for, including necessary medical treatment.
 - b. Make arrangements during the period when the involved officer is required to remain on the scene, but has no immediate duties to fulfill, for the officer to be taken to a quiet area away from the immediate scene and assign a second officer to remain with the involved officer. The supervisor shall advise the second officer to be supportive but not to discuss details of the incident.
 - c. Briefly meet with the involved officer.

- (1) The supervisor may ask appropriate, preliminary questions about the incident.
 - (2) The supervisor shall inform the officer which entities will be involved in the investigation and for what purpose, i.e., the Department of the Attorney General, Criminal Investigation Division of the Maine State Police or Warden Service personnel.
 - (3) The supervisor shall advise the officer not to discuss the incident with non-investigative personnel, civilians, or the media. The officer may discuss the incident with legal counsel and MSEA representatives, as applicable.
- d. Determine whether the circumstances of the incident require that the involved officer's duty weapon be taken for laboratory analysis. When the duty weapon is taken, the supervisor shall:
- a. Take custody of the officer's weapon in a discrete manner; and,
 - b. Replace it with another weapon or advise the officer that it will be returned or replaced at a later time, as appropriate.
- e. Ensure that the involved officer is given the opportunity to notify the officer's family about

the incident as soon as possible. Where an officer is personally unable to do so because of injury, the supervisor shall ensure that another officer is assigned to notify the family, in person, and arrange for their transportation to the involved officer's location.

- f. Handle the involved officer in a manner that acknowledges the stress caused by the incident.

2. Post-Incident Procedures

- a. The involved officer may be placed on administrative leave with pay following the incident by the Colonel or statewide O.D. The officer shall remain available for any subsequent review or investigation of the incident by Warden Service personnel.
- b. The involved officer or the officer's family should be advised that phone calls should not be answered by the officer and, if possible, by someone other than a family member, for a few days because the officer's name will be released to the media.
- c. The involved officer shall not respond to inquiries from, or initiate contact with, the media regarding the incident.
- d. The involved officer shall confer with a mental health professional selected by the Colonel prior to

returning to active duty status. If the diagnosis is questioned by either the Colonel or the officer, then the officer may be required by the Colonel, or may request, to confer with a second mental health professional selected by the Colonel.

- e. The immediate supervisor for each of the officers who were present at the scene shall make the officers aware of counseling services. When requested by an officer, the immediate supervisor shall make arrangements for the officer to visit a mental health professional or participate in a stress debriefing, as appropriate.
- f. The Colonel shall make every effort to ensure the investigation of the incident is conducted and completed in a timely fashion. The findings must be announced as soon as possible except that if criminal charges are brought the findings remain confidential until the conclusion of the criminal case. The involved officer shall be made aware of any Warden Service findings before they are announced to the media.
- g. Immediate supervisors should brief officers under their commands concerning the incident so that rumors are kept to a minimum. Warden Service members are

encouraged to show the involved officer their concern without commenting officially or unofficially on the propriety of the officer's actions during the incident.

3. Stress Recognition

- a. Post-traumatic stress disorders may not arise immediately or some officers may attempt to minimize problems. Therefore, the immediate supervisor is responsible for monitoring the behavior of sections members for symptoms of the disorder.
- b. A Division Lieutenant may order an officer to seek assistance or counseling from a mental health professional at any time when the commanding officer has a reasonable belief that stress may be disrupting the officer's job performance.

A. Purpose

To establish a uniform policy covering the completion and submission of activity reports by all members of Warden Service.

B. Procedures

1. Each member of Warden Service shall submit a true and accurate account of daily activities on forms as provided by Warden Service for that purpose.
2. All Wardens shall forward to his divisional headquarters activity reports on or before Wednesday of each calendar week covering the previous calendar week unless on approved time off.
3. The daily activity report shall consist of four, seven (7) day periods which comprise the twenty-eight day activity report.
4. Activity reports submitted shall be clearly and legibly hand-printed by use of pen or typed.
5. Prior to being submitted to the Augusta office, all activity reports will be approved and initialed by the Divisional Lieutenant and/or appropriate Sergeant.

C. Explanation of Terms - Maine Warden Service Activity Report

1. Heading Area
 - a. Vehicle - insert Warden Service code number.

- b. Division - insert appropriate division letter and district number.
- c. Signature - the written name of the member preparing and submitting the report.
- d. Starting mileage - vehicle odometer reading at beginning of report period.
- e. Ending mileage - vehicle odometer reading at completion of reporting period.
- f. Year - enter calendar year.
- g. Insert date - enter month and day digitally.
- h. Work period covered - check appropriate.
- i. Off duty status code - enter appropriate code.

CODE - For Game Wardens and Game Warden Specialists

- A Taking Regular Day off as scheduled.
- A-1 Changed Scheduled Regular Day to this day by mutual agreement of supervisor.
- A-2 Regular Scheduled Day Off. Called out by supervisor, will receive a minimum of four (4) hours CTO or 1½ hours of CTO for every hour worked, whichever is greater.
- A-3 Working Regular Scheduled Day off to meet operational needs by agreement of supervisor. Will take another regular day off within the same 28-day cycle.

- A-4 Taking Regular Day off earned under A-3, indicate date.
- B Holiday Taken Off on date to be observed.
- B-1 Holiday and Regular Scheduled Day Off taken will earn eight (8) hours of CTO.
- B-2 Holiday and required to work, will earn 1½ hours of CTO for every hour worked.
- B-3 Holiday and Regular Scheduled Day Off, called out by supervisor will receive a minimum of four (4) hours CTO or 1½ hours of CTO for every hour worked, whichever is greater.
- B-4 CTO time earned being taken off.
- C Vacation Day taken off.
- D Sick Leave Day Taken Off. If employee is not the one sick, you must specify relationship of family member.
- E Military Annual Training Leave Taken, maximum of seventeen (17) calendar days per year.
- F Other Leave - Specify
 - F-1 Bereavement Leave Day Taken Off - specify relationship of family member.
 - F-2 Administrative Leave Day Taken Off - only granted by BOER.

- CODE - For Lieutenants, Sergeants & Game Warden Pilots
- A Taking Regular Day off as scheduled.
 - A-1 Changed Scheduled Regular Day to this day by mutual agreement of supervisor.
 - A-2 Regular Scheduled Day Off. Called out will receive 1½ hours of CTO for every hour worked.
 - A-3 Working Regular Scheduled Day Off to meet operational needs by agreement of supervisor. Will take another day off within the next ninety (90) days.
 - A-4 Taking Regular Day Off earned under A-4, indicate date and must be taken within ninety (90) days.
 - B Holiday Taken Off on date to be observed.
 - B-1 Holiday and Regular Scheduled Day Off taken will earn eight (8) hours of CTO.
 - B-2 Holiday and Required to Work, will earn 1½ hours of CTO for every hour worked.
 - B-3 Holiday and Regular Scheduled Day Off required to work will receive 1½ hours of CTO for every hour worked.
 - B-4 CTO time earned being taken off.
 - C Vacation Day Taken Off.
 - D Sick Leave Day Taken Off. If employee is not the one sick, you must specify relationship of family member.
 - E Military Annual Training Leave taken - Maximum of

seventeen (17) calendar days per year.

F Other Leave - Specify

F-1 Bereavement Leave Day Taken Off - specify
relationship of family member.

F-2 Administrative Leave Day Taken Off - only granted by
BOER.

2. Period Activities

Enter number of hours spent daily conducting a particular activity. A daily total number of hours worked will be determined by adding columns vertically, entering the results in the Total columns horizontally, totaling each in the Total column at the extreme right.

3. Result of Activities

Make appropriate entries. Total as directed above.

4. Equipment Use

Make appropriate entries. Total as directed above.

5. Vehicle Costs

a. Gals. Gas - gallons used in assigned vehicle weekly.

b. Cost - Cost of gasoline weekly.

c. Oil & Grease - Enter dollar amount for same.

d. Repairs - Enter all items and costs on repairs to assigned vehicles weekly. This should include all repair costs, routine maintenance, and replacement of tires, batteries, etc.

- e. Misc. - In the space provided, enter the odometer reading of the 5,000 mile checkup.

Wardens should attach to their weekly reports the following:

- A. All gas slips.
- B. All work orders for work completed by private garages.
- C. All work orders containing cost totals from Fish and Wildlife and other state agency repair facilities.
- D. All divisional transfer slips for items obtained from divisional supply on which will be the cost of same.
- E. All 28-day Time and Attendance Reports.

6. Leave Section

Optional

7. Statement of Duties Performed

- a. District Number - enter warden district number.
- b. Signature - self-explanatory.
- c. Date - enter month, day, year digitally.
- d. Mileage A.M. - enter starting odometer reading.
- e. Mileage P.M. - enter ending odometer reading.
- f. Start Time - enter time assumed on duty status using military time.
- g. Finish Time - enter time assumed off-duty status using military time.
- h. Narrative - a brief description of daily duties performed.

A. Purpose of Incident Report

1. The incident card will be utilized for reporting various complaints, investigations and/or incidents which are brought to the attention of any member of the Warden Service.
2. This system is designed around a preprinted incident card which will assist the Warden in recording pertinent data.

B. General Instructions

1. Incident Number. All incidents will be numbered by division letter, district number and numerical sequence of the incident for the current fiscal year, i.e., B21-36-96. If the Warden is taking an assist posture, no number will be issued.
2. Nature of Incident. The appropriate category shall be checked off.
3. Date, time, town and county. (Self-explanatory)
4. Complainant. The name, address and the telephone number of the person or agency reporting the incident.
5. Handling. Check the appropriate box and record the total miles driven and time expended in handling the incident.
6. Action Taken. A brief narrative describing the nature of the incident and action taken.

7. Additional Information. Check the appropriate box indicating any additional forms that were filed.
8. Incident Cards shall be submitted with weekly reports.

MAINE WARDEN SERVICE INCIDENT CARD

Incident # IC— _____ Continuation <input type="checkbox"/>	Date	Time	Town	County
1. Accidents <input type="checkbox"/> a. Hunting <input type="checkbox"/> b. R.V. <input type="checkbox"/> c. Car/Deer/ Moose/Bear <input type="checkbox"/> 2. Assist Other Agency <input type="checkbox"/> 3. ATV <input type="checkbox"/> 4. Boating <input type="checkbox"/> 5. Crop/Orchard Damage <input type="checkbox"/> 6. Dead Wildlife <input type="checkbox"/> 7. Dog <input type="checkbox"/> 8. Environmental <input type="checkbox"/> 9. Fishing <input type="checkbox"/> 10. Hunting <input type="checkbox"/> 11. Injured Wildlife <input type="checkbox"/> 12. Nuisance Wildlife <input type="checkbox"/> 13. Public Relations <input type="checkbox"/> 14. Search & Rescue <input type="checkbox"/> 15. Snowmobile <input type="checkbox"/> 16. Trapping <input type="checkbox"/> 17. Trespassing <input type="checkbox"/>	Complainant			Telephone
	Address			
<input type="checkbox"/> by phone <input type="checkbox"/> in person <input type="checkbox"/> by mail <input type="checkbox"/> by radio Handled			Miles	Time
Action Taken: _____				
Additional Forms Filed: <input type="checkbox"/> None <input type="checkbox"/> Form 1320 <input type="checkbox"/> Accident <input type="checkbox"/> Permit <input type="checkbox"/> Investigation <input type="checkbox"/> Warning <input type="checkbox"/> Prosecution <input type="checkbox"/> Other <input type="checkbox"/> OGT				
Signature _____				WS 250

A. Purpose

To establish a policy to ensure the proper seizure, preservation, security, transportation and disposal of physical evidence.

B. Seizure and Responsibility

1. The following property and/or articles may be seized pursuant to M. R. Crim. P., Rule 41:
 - a. Property that constitutes evidence of the commission of a criminal offense.
 - b. Contraband, the fruits of crime, or things otherwise criminally possessed; or property designed or intended for use or which is or has been used as the means of committing a criminal offense.
2. The officer should be able to articulate the reason for seizure.
3. Officer Responsibilities
 - a. Officers recovering any blood, hair, hide or meat will be responsible for properly packaging and preserving it to prevent contamination or destruction.
 - b. Upon recovery, officers will fill out and attach to the evidence the appropriate evidence tags and chain of custody forms.
 - c. It will be the responsibility of the recovering officers or their supervisor to insure that any property that is subject to forfeiture or of

significant value (i.e. firearms, cameras, etc.) is placed in a secure evidence locker maintained at the regional headquarters.

- d. Officers will be responsible for the final disposition of found, recovered, and evidentiary property after adjudication and all other legal requirements have been met.
- e. Under no circumstance, will officers keep any item of significant monetary value.

C. Collection of Evidence

- 1. Proper procedures for the handling of biohazardous materials will be followed when human body fluids or contagious diseases (like rabies) may be involved.
- 2. The following information will be recorded when locating and collecting physical evidence:
 - a. Location of evidence in relation to other objects.
 - b. Measurements, dimensions and description of the evidence.
 - c. Date and time, weather and temperature, if applicable.
- 3. It is the responsibility of officers collecting the evidence to properly mark each item for identification.
- 4. When it is not practicable to mark the item itself, the evidence will be placed in a container and the container marked appropriately.

5. Each item will be numbered, packaged and processed separately.

D. Transportation

1. When practical, all evidence should be transported in person or by other officers, keeping the chain of custody as short as possible.
2. Registered mail with a return receipt can be used for most items under four pounds.
 - a. Live ammunition, explosives, corrosive liquids, inflammable or other hazardous materials cannot be mailed.
 - b. Perishable items, such as animal tissue, should be preserved as appropriate to the item and delivered personally.
3. Items which cannot be shipped by registered mail may be shipped by commercial carrier with special handling.
4. All evidence shipped to the Maine State Crime Laboratory will be accompanied by a Letter of Transmittal which will contain the following information:
 - a. Case number
 - b. Submitting officer's name
 - c. Description of evidence
 - d. Alleged owner and address
 - e. Defendant's name(s)

- f. Date submitted
- g. Tests or examinations to be performed
- h. Officer's signature

- 5. All evidence submitted to the Warden Service Laboratory, including evidence to be forwarded to the U. S. Fish & Wildlife Lab, will be accompanied by a completed Request for Examination of Evidence and a chain of custody record.
- 6. Officers bringing unfrozen or highly perishable items to the Warden Service Lab will call the lab personnel to ensure that they can receive and process the evidence properly.
- 7. If a Letter of Transmittal or Request form does not accompany the evidence, officers delivering evidence should be prepared to provide the appropriate information on delivery.

E. Tagging and Tracking of Property or Evidence

- 1. All property seized by officers will be tagged or placed in a container with an evidence tag.
- 2. Officers will keep the top copy of the tag, the second and third copies will be turned in with weekly reports, and the final (hard) copy will stay with the property.
- 3. Officers transporting property will complete the chain of custody form.

4. Officers disposing of property will complete the disposition portion of the evidence tag.

F. Procedure for Seizure and Disposition of Firearms Seized from Felons

1. Any officer finding a convicted felon in possession of a firearm will immediately seize that firearm or firearms from that person and inform the suspect as to the reason for the seizure.
2. All firearms will be made safe unless extenuating circumstances deem it impossible or inadvisable.
3. Immediately after making the seizure, the officer will affix an evidence tag to the firearm and record on that tag all the necessary information.
4. The seized firearm will remain in the officer's possession or at a safe and secure location until it can be transferred to the division evidence holding facility.
5. At the conclusion of any cases involving the seized firearm, the officer will dispose of it in one of the following ways:
 - a. Firearms forfeited to the State through the legal process will be immediately turned in to the Department storehouse (see Appendix I of this policy for an explanation of the forfeiture process.)
 - b. In cases where the court has not awarded ownership

of the firearm to the State and someone other than the convicted felon can show reasonable evidence that they owned the firearm prior to the seizure, the officer may turn it over to that person and obtain a written receipt.

G. Evidence Storage and Security

- (1) Each divisional headquarters will have an evidence room capable of retaining all evidence in a secure manner.
- (2) The security and accessibility of the evidence room will be the responsibility of the Division Lieutenant.
- (3) The Division Lieutenant may designate a minimum amount of personnel to have access to the evidence room.
- (4) The evidence room will remain locked at all times except when placing or removing items from the room and, if at any time the room is found to be unlocked or insecure, the Division Lieutenant will be notified immediately.
- (5) All items placed in or removed from the evidence room will be entered on the evidence entry log which will remain inside the evidence room.
- (6) All items will have securely attached an evidence tag which will be filled out accurately.
- (7) All property which has been seized will receive proper care by the officer leaving said property in the evidence room.
- (8) Property will be released only to persons possessing proper

identification and authorization to obtain such property.

H. Disposal of Property

- (1) Items not forfeited will be returned to the owner as soon as possible after adjudication of the case, but the time will in no case exceed six months.
- (2) A signed receipt will be obtained prior to any property being returned.
- (3) Forfeited property and evidence, including furs, will be forwarded to the Department storehouse as soon as possible after adjudication for final disposal.

FORFEITURE OF FIREARMS FROM CONVICTED FELONS

There are many ways that firearms can be forfeited to the State. Ultimately, it is the responsibility of the officer to make sure that one of these avenues is followed.

In cases where the felon is convicted of a Class A, B or C crime, current statute mandates that the firearm involved be forfeited to the State. The officer should advise the prosecuting attorney of this prior to adjudication so the prosecutor can make sure the judge orders the forfeiture.

In cases where the felon is convicted of a Class D or E crime and current Title 12 statute does not mandate forfeiture, the officer should ask the prosecuting attorney to petition the court for forfeiture, if indeed forfeiture is warranted.

A. Purpose

To establish a policy for the use of K-9s for law enforcement and search and rescue (SAR) purposes and establish a K-9 Unit to provide trained dog and handler teams to assist Warden Service in conservation law enforcement and search and rescue.

B. Certification Requirements for K-9 Teams Utilized by Members of Maine Warden Service.

1. K-9s or K-9 teams used for law enforcement purposes by members of Warden Service will be certified by the Maine Criminal Justice Academy (MCJA) or the Maine Warden Service in the categories they are to be utilized in.
2. K-9s or K-9 teams used for air scent search will be certified by the Maine Association for Search and Rescue (MASAR) or the Maine Warden Service. K-9 teams used for tracking at search and rescue scenes will be certified by MASAR, MCJA or the Maine Warden Service.
3. K-9 teams from other jurisdictions (i.e. another state or province) used by members of Warden Service will be certified in their jurisdiction using standards which are at least the equivalent of MCJA, MASAR or Warden Service standards.

4. Warden Service K-9 teams will be subject to recertification testing and reporting at any time the Colonel deems necessary.

C. Administration of Warden Service K-9 Teams

1. Administration of the K-9 Unit

- a. The K-9 Unit will be under the command of the Colonel.
- b. Warden Service K-9 teams wishing to be a part of the K-9 Unit must send a written request to and obtain approval from the Colonel.
- c. Warden Service will allow for time and travel to certify and to attend the minimum training required to maintain certifications.
- d. Warden Service will pay veterinary expenses incurred as a result of a work-related injury occurring while the dog is being used (or being carried for such use) in a capacity it is certified for.
- e. All other expenses may be paid at the discretion of the Colonel.
- f. The Colonel may appoint "deputy" K-9 teams which must adhere to sections B, C2, C3, C4b and C5 of this policy but will only be allowed to train while on duty with the approval of their supervisor.

2. A trained handler will be assigned as Coordinator of K-9 teams. The Coordinator will:

- a. Provide liaison with command elements.
 - b. Coordinate and keep records of in-service training and K-9 use.
 - c. Provide liaison with other law enforcement and search and rescue dog units.
 - d. Provide assistance to and coordinate training for members of Warden Service regarding K-9 use and certification.
3. K-9 handlers will conduct their regularly assigned duties and have additional responsibilities as follows:
- a. Provide K-9 services as stated under the Purpose section.
 - b. Advise and gain authorization from his/her supervisor or Division O.D. prior to responding to a K-9 request or training out of his/her assigned area.
 - c. Keep his/her K-9 properly trained, well-groomed and in good physical condition.
 - d. Complete incident reports when a Warden Service K-9 is utilized and forward a copy to the K-9 Coordinator weekly.
 - e. Keep a training log for his/her K-9 to include all training done with the K-9. The K-9 handler will send to the K-9 Coordinator a copy of in-service training

records signed by the certified trainer providing the training. Each handler is responsible for maintaining his/her own MCJA, MASAR or Warden Service certification with the assistance of the K-9 Coordinator.

4. Requests for K-9 assistance will be made to the nearest qualified K-9 handler or K-9 Coordinator. (Phone numbers for SAR dog units are available at Divisional Headquarters or through the Maine Association for Search and Rescue.)
5. Damages Caused by Warden Service K-9 Teams and the Apprehension of Criminal Suspects.
 - a. When a Warden Service K-9 makes an apprehension involving the use of force or causes any injury or significant property damage, the K-9 Coordinator and the Colonel shall be notified as soon as possible. In addition, the handler shall forward a written report of the incident through the chain of command to the Colonel within 48 hours.
 - b. The injured person should be taken to a medical facility and, if the person refuses medical attention, a written waiver should be obtained from the person.
 - c. Photographs of the injury or damage and written documentation from medical personnel or other witnesses should be obtained as soon as possible.

- d. The handler of the K-9 causing any injury or damage shall forward a written report of the incident through the chain of command to the Colonel within 48 hours.
- e. The Use of Force Policy shall apply to the use of Warden Service K-9s.
- f. Whenever possible, a warning announcement will be given before a K-9 is utilized in an aggressive or protective mode.
- g. Warden Service K-9s will not be allowed to be excessively protective of the patrol vehicle.

A. Purpose

To establish a criteria and create a uniform policy on conducting fish and wildlife highway inspections at designated primary locations.

B. General Procedures

1. Designated highway checkpoints shall be established and meet with the following criteria:
 - a. Prior to conducting a highway checkpoint and inspection under this policy, the Lieutenant in command of the division where the highway checkpoint is being conducted shall notify the Chief Warden of the anticipated highway road check on the forms provided for this purpose.
 - b. The location should be adjacent to an area that permits vehicles to pull off the highway prior to being inspected.
 - c. Checkpoints to be utilized in the nighttime hours shall be well lighted.
 - d. A large sign stating, " Warden Service Fish and Wildlife Checkpoint - All Vehicles Stop" shall be posted on the highway preceding the checkpoint.
 - e. All vehicles shall be stopped and inspected.

2. Personnel Deployment

- a. A supervisory officer shall be present and in charge at the checkpoint to assure that this policy is adhered to and that all precautions are taken to ensure the safety of all persons involved.
- b. Vehicles shall be stopped by use of stationary marked departmental cruisers with blue lights flashing.
- c. The inspection area shall be allotted an appropriate number of uniformed wardens to carry out inspections and rapidly return vehicles stopped to the highway.
- d. Should a backlog of vehicles result, enough vehicles would be allowed to pass through unchecked to alleviate the problem.
- e. Wardens present shall be responsible to record information, issue summons, tag all materials seized, and photograph seized materials, vehicles and persons involved when applicable.
- f. Upon completion of a highway checkpoint, the Lieutenant in command of the division where the highway checkpoint was conducted shall file a report on the forms provided for that purpose.

3. Inspection Techniques

- a. Once vehicles are stopped, the vehicle will be

approached by a uniformed warden who shall identify himself and state the purpose for the stop.

- b. Threshold inquiries of all vehicles stopped shall be consistent and initially made by the officers positioned on the highway.
- c. In instances when a vehicle and its occupants are to be detained for further inquiry and inspection, the vehicle shall be directed to the inspection area where this will be accomplished.

A. Purpose

To address airboat operator training and licensing, maintenance of the Inland Fisheries and Wildlife airboat, and operation of the airboat. The airboat is an essential piece of equipment to the Maine Warden Service and is primarily used under very hazardous conditions.

B. Training

1. All training will be done by certified instructors approved by the Major.
2. Training will consist of four categories:
 - a. Maintenance
 - b. Open water
 - c. Fast water
 - d. Ice and snow
3. All categories will be successfully completed before becoming licensed.

B. Maintenance

1. The director of the airboat program will be responsible for overall maintenance.
2. A maintenance log book will be maintained. Any work done on the airboat will be logged by the person authorizing the work.
3. If repairs or maintenance need to be done while the airboat is being used on a mission, the director or his designee will authorize the work.

4. The operator in charge of the airboat on a mission will make sure the boat is full of gas at all times and that all systems are operational prior to a mission.
5. The airboat will be stored under cover when not in use. On multiple day sessions, the cover will be utilized at the end of each day.
6. When the responsible operator returns the airboat to the permanent storage area, it will be his/her responsibility to make sure the airboat is fully serviced and ready to go. If the operator is aware of a condition on the airboat that needs repair, it will be his/her responsibility to report those conditions immediately to the program director.
7. The primary operator will also be responsible for all equipment in the airboat and for the airboat trailer.

C. Operation

1. The airboat will be operated in a safe and responsible manner at all times.
2. Only operators in training, licensed operators and instructors will operate the airboat. This may be waived by the airboat program director.
3. Only fully licensed operators will operate the airboat alone.
4. It is recommended that there be two trained operators

on board while the boat is being operated on a rescue mission.

5. Partially licensed operators will only operate on missions in the categories that they have completed training in. Unlicensed operators will be accompanied on all missions by a licensed operator. This may be waived in an extreme emergency.
6. P.F.D.'s will be worn by all occupants of the airboat when it is being operated.

D. Call Out Procedure

1. When the airboat is needed to a mission, the program director will be contacted with the request. If the director is unreachable, the statewide O.D. will be contacted and the statewide O.D. will call the division leader where the boat is needed. The division leader will then make the necessary arrangements.
2. The program director will transport the airboat to the scene and oversee the operation, when possible. If the program director is unavailable, the division leader will assume responsibility of the mission.
3. Each division will have a division leader appointed by the program director. In addition to the division leader, there will be five other operators in each division.

4. Vacant operator positions will be filled through consideration of experience and seniority.
5. An operation log will be maintained. All operators will be responsible to enter all missions in such log.
6. If the airboat is going to be unavailable or away from its usual storage location for more than one day, the person taking the airboat shall notify the program director and the division leaders of the location of the airboat.

A. Purpose

To establish a uniform policy in order to honor and recognize any member of Warden Service who has performed service in an outstanding manner in the field of conservation law enforcement in the protection of life and property, in the prevention of crime and the apprehension of violators.

B. Division Awards Board

1. All Lieutenants shall appoint a division awards committee consisting of one Sergeant and one Warden from each section within the Division to consider and/or nominate candidates for the awards herein described.
2. The Division Lieutenant shall submit all division award nominations, in writing, to the Game Warden Major no later than January 15 of each year.

C. State Awards Board

1. The Game Warden Major shall annually appoint members to State Awards Board no later than January 31 of each year. The board will be comprised of the Major or the Major's designee as chairperson, a Game Warden Lieutenant, a Game Warden Sergeant, a District Warden or Game Warden Investigator from each Division, and one civilian.
2. The State awards board will be directed by the Major to meet during February of each year to review and consider the recommendations for awards submitted by the Division Awards Boards.

3. The Chairperson of the State Awards Board will forward written recommendations for awards, following the State Board's annual review of nominations, to the Game Warden Major and/or Game Warden Colonel for final approval.

D. Awards

1. Medal of Valor

The Medal of Valor is the highest award that can be obtained by a member of Warden Service. It shall be presented only in those infrequent cases where the Warden performing his/her duty, risked his/her life in such performance. The conduct performed shall be beyond the call of duty and of such extreme character that the possibility of the Warden's escaping with his/her own life is remote.

2. Meritorious Service Medal

The Medal for Meritorious Service shall be presented for conduct above the ordinary course of duty, in which a Warden, because of his/her initiative, courage and diligence, places himself/herself in danger while performing an unusual task.

3. Citation for Wounds Received

The Citation for Wounds Received shall be awarded for wounds received in the line of duty inflicted by another with firearms or other deadly weapons.

4. Warden of the Year

The Warden of the Year Award shall be presented to any member of Warden Service who, during the past year, has conducted himself or herself in such a manner as to display an exceptional expertise in the area of conservation law enforcement, management, public relations and all aspects of a Game Warden's duties.

5. Exemplary Service Award

A certificate for Exemplary Service shall be presented when, in the opinion of the Awards Board, a Warden has rendered outstanding service which deserves special recognition.

6. Colonel's Award shall be presented annually to an individual who the Colonel has determined has provided distinguished service to the Maine Warden Service in the area of conservation law enforcement.

7. Outstanding Supervisor Award

The Outstanding Supervisor Award shall be presented annually to the supervisory officer who has demonstrated superior knowledge and leadership in the area of law enforcement supervision and by doing so has gained the respect of fellow officers, other Department employees, other agencies and the public. Nominations for this award, in addition to the above criteria, should be based upon the nominee's entire career record, character, integrity, leadership and professionalism. Nominations for this award may come from any level of Warden Service.

8. Posthumous Awards

Awards and Certificates as herein described may be presented posthumously to next of kin.

E. Notification of Award Nomination or Award Selection

1. All Wardens nominated to the State Awards Board to receive Warden of the Year will be notified in writing by the Game Warden Major that they were nominated.
2. All nominees selected to be the recipient of an award will be presented with that award at the Maine Warden Service annual awards ceremony.

Rev. 4/2000

A. Purpose

To establish a uniform policy pertinent to mobile radio operation by members of Warden Service.

B. Procedure

All personnel shall be familiar with the "10-Code" and appropriate call numbers and utilize the same when conducting mobile radio communications.

All personnel shall notify the appropriate Radio Communications Center by radio or telephone each time returning to or leaving service unless directed otherwise by the Colonel.

A. Purpose

1. Warden Service will establish a colorguard for the purpose of representing Warden Service at the following functions:

- a. Funerals for any active or retired member of Warden Service.
- b. Funerals honoring any fellow law enforcement officer who has fallen in the line of duty. Out-of-state travel must be approved by the Colonel or Major.
- c. Graduation ceremonies for Warden Service graduates.
- d. Career Days held at various colleges/universities within the state.
- e. Wedding ceremonies when specifically requested by the Warden getting married.
- f. The annual Law Enforcement Officers Memorial dedication.
- g. Any other functions as directed by the Commissioner, Colonel or Major.

B. Selection and Composition

1. Members shall be selected by the Colonel
2. The colorguard will be comprised of not more than fifteen (15) Game Wardens.
3. Participation will be voluntary.

C. Procedures

1. Each member will be issued one extra standard Warden Service green uniform with accessories, including standard issue black boots, and one high gloss Sam Brown belt with a high gloss holster. No rank of insignia or service stripes shall be worn on either the red dress coat or the uniform shirt.
2. Red jackets (dress blouse) will be the dress coat worn at all functions.
3. Members shall be issued both black and white shoulder braids and gloves. Black braids and gloves will be worn at all funeral details.
4. Shoulder braids will be worn under the left shoulder epaulet of the red dress coat as will the Sam Brown cross strap.
5. All members are expected to attend a detail or training session when requested unless a trial is scheduled or an extreme emergency exists.
6. Attendance at a detail or training session will be a duty day and, if on a scheduled day off, another day off will be assigned by the immediate supervisor.
7. Colorguard will consist of a Northern Team (Div. C, D & E) and a Southern Team (Div. A & B). Each team will have a Unit Commander.

8. It will be the Unit Commander's responsibility to set up training schedules, to make sure that the appropriate number of colorguard members have been called out for a detail and to inform the Colonel or Major of an upcoming detail.
9. When Warden Service attends a function requiring formal marching, the colorguard shall lead the formation and a colorguard member will call cadence, if necessary.
10. Any member of Warden Service may request the services of the colorguard by contacting the Unit Commander for that area of the state.

A. Purpose

To establish guidelines for Warden Service in order to administer travel and expense accounts to conform with State of Maine/MSEA Contract.

B. Procedure

1. Meal Reimbursement

In-State

- a. When an employee is required to perform services beyond their normal workday, or is recalled after regularly assigned duties or on regularly scheduled days off, reimbursement for meals may be authorized after obtaining the approval of his/her Lieutenant.
- b. When an employee works more than 10 hours in any reporting day in the field and does in fact take a breakfast or a supper outside the town of their legal residence, they will be allowed to charge one meal, either breakfast or supper.
- c. When an employee works more than 16 hours in the field in any reporting day and does in fact take breakfast and supper outside the town of their legal residence, they may charge for both meals taken.
- d. Noon meal expenses shall be reimbursed only when one of the following conditions are met:
 1. The expenses are incurred while an employee is

traveling on State business and overnight lodging is required.

2. The expenses relate to a meal associated with an organized meeting which is part of an organized program. Attendance at the meeting should have prior departmental approval.
- e. Maximum meal allowances including all tax and gratuities conforming with current MSEA Contract.
- f. Whenever an employee is required to work more than 10 hours in any scheduled workday and they choose to take a bag lunch prepared at home, a charge of \$2.00 will be allowed. Whenever an employee is required to work more than 16 hours in any scheduled workday and employee has taken a bag lunch, they will be allowed to charge for said bag lunch and one other meal.
- g. Receipts will be required for any meal conforming with MSEA Contract.
- h. Expenses incurred by personnel who have been duly assigned duties by supervisory officers when such an assignment involves extenuating circumstances to warrant a greater expense than that already defined, payment may be approved provided a written memorandum outlining such circumstances, together with

supporting receipts or vouchers, are properly submitted.

Out-of-State

When an employee has been duly assigned to duties out of the State of Maine, they will be allowed reimbursement for meals taken that are necessary. Receipts will be attached for meals over \$8.00.

2. Lodging Reimbursement

a. In-state

When an employee has been duly assigned to duties within the State that require overnight lodging, they will be allowed reimbursement for said lodging, the amount not to exceed the current administrative policy regarding expense regulations. Receipts must be submitted with expense account form.

b. Out-of-State

When an employee has been duly assigned duties outside the State of Maine, they will be allowed reimbursement for said lodging as long as it is considered reasonable and/or falls within the guidelines of the current administrative policy regarding Expense Regulations. Receipts must be submitted with expense account form.

3. Mileage Reimbursement

An employee is eligible for reimbursement for miles driven in personal vehicles during working hours only when there is no State vehicle available. The reimbursement rate will conform with current State of Maine/MSEA Contract.

4. Expense Account Submittal Procedures

- a. All expense accounts must be submitted at least once a month through chain of command.
- b. All expense accounts must be checked for conformity with this Policy and initialed by authorized officer at Regional Headquarters before submitting to the Augusta office. Final approval must be given by either the Colonel or the Major before the expense account can be submitted for payment.
- c. Whenever an employee has received a travel advance, expense account forms must be prepared immediately upon return from the trip. If an employee's expense voucher is not settled within 15 days of the return date, further cash advances will be refused. The State reserves the right to settle overdue cash advances by payroll deduction.

A. Purpose

To create a uniform policy governing Warden Service Division Headquarters operations.

B. Procedure

1. Administration

The Division Lieutenant shall be responsible to see that this policy is adhered to.

2. Staff

a. Headquarters shall be adequately staffed from 0800 through 1700 hours, Monday through Friday, and at other times deemed necessary or as directed by the Major.

3. Records/Files Maintained

a. The following records shall be maintained, filed and kept current:

1. Telephone Log (record of all incoming business calls)
2. Division Day Off Schedule
3. Pilots Day Off Schedule
4. Statewide Officer of the Day Schedule
5. Division Officer of the Day Schedule
6. Court Officer Schedule
7. General Orders, Policies and Procedures
8. Inland Fisheries and Wildlife Laws

9. Inland Fisheries and Wildlife Rules
10. Title 17A
11. Directives and Memos from Augusta Office
12. Game/Fur Harvest Information
13. Survey Information
14. Game Inspection Station List
15. Fur Tagging Agents List
16. Forms Utilized by Field Personnel
17. Law Books for Dissemination to Public
18. Search and Rescue Plan
19. Alert Bulletins
20. MSEA Contracts
21. Daily Reports
22. Incident Report Forms
23. Division/Section Memos
24. Purchase Orders
25. Administrative Policies

b. The following administrative files shall be maintained and be available to only supervisory personnel.

1. Prosecution Reports
2. Incident Files
3. Evaluations
4. Inventories

3. Division Supplies

- a. Each Division shall maintain an adequate amount of supplies.
- b. Division supplies shall be accessible to only supervisory personnel who will issue the supplies to those wardens under his command.
- c. The Division Lieutenant shall keep current and maintain an inventory of all supplies issued on a divisional transfer form and all supplies on hand at Division Headquarters.

A. Purpose

This policy establishes Warden Service responsibilities for any person who qualifies under any provision of MRSA Title 12, Section 7035 (4) as lost, stranded or drowned; the recovery of such persons; ensures security at the scene of such incidents pending State or Federal investigations; and provides Warden Service with a procedure for the call - out, and provides Warden Service with a procedure for the call-out, utilization and mobilization of S.A.R. Resources.

B. Priority

Whenever a search and rescue (SAR) mission is essential to the physical well-being of any person or persons, that mission **will have priority** over all other activity (except more serious life threatening emergencies), and all available personnel, equipment and supplies will be subject to utilization, as necessary.

C. Definitions

1. "Lost, stranded or drowned persons": These terms imply situations where the known facts indicate that the person may be in distress and unable to make their way to safety on their own.
2. "Missing person": A person who may be missing but where the known facts indicate that the person is probably not in distress and able to help themselves.
3. "Search": Activities associated with physically locating persons who are reported to have become lost, stranded or drowned.
4. "Rescue": Activities associated with freeing and removing injured or stranded victims to areas of safety.
5. "Major Search": Any search incident requiring the call-out of the Incident Management Team (See the SAR Plan for the definition of the Incident Management Team).
6. Incident Management Assessment Team: A team made up of a Search Coordinator, Incident Commander, and Incident Management Team Member(s) used to assess a search in progress prior to full call out of the Management Team.
7. "MASAR Volunteer": - An individual member of the Maine Association of Search and Rescue (MASAR) or a member of a MASAR recognized team.
8. "Other Volunteer:" - Any non-MASAR Volunteer.

D. Responsibilities of Warden Service

1. To search for and rescue or recover, if possible, any lost, injured, or stranded person in the woodlands of the State or any person lost, stranded or drowned on an inland body of water, and lost or downed aircraft according to the Maine Air Search and Rescue Plan.
2. When requested so by another agency, Warden Service will assist with the investigation of any missing person. When it appears that the person may have become lost or stranded in the fields, forest or on the inland waters of Maine, Sections E and F will apply.
3. Any Warden learning of a potentially lost, stranded or drowned person must reasonably investigate the situation to determine if Warden Service should respond or offer assistance and then notify his or her immediate supervisor or division OD of this information.
4. All Warden Service personnel will take a proactive stance in educating their local law enforcement, fire departments and other entities who might receive report of lost or missing persons about the importance of search and rescue and their duty to report such incidents to Warden Service.
5. All Warden Service personnel will become familiar with and have a good relationship with their local volunteer and professional SAR resources.

E. Notification of Warden Service Personnel

1. The Sergeant, Division OD or Division Lieutenant will be notified immediately through normal reporting channels of any lost or significantly overdue persons.
2. The Sergeant or Division OD will immediately notify the Division Lieutenant or Statewide OD of any search.
3. The Colonel, or Major in his absence, will be immediately notified by the Division Lieutenant or Statewide OD of any major SAR incident.
4. The Incident Management Assessment Team will be notified by the Statewide OD in any situation where a determination needs to be made to the necessity of the call out of the SAR Incident Management Team.

5. The Sergeant or Division OD will be responsible for notifying the media relations person about the search as soon as practical.

F. Responsibilities of Warden Service Personnel at a SAR Incident

1. The first Warden arriving at the scene or the Warden assigned to investigate the incident will be considered to be Incident Commander until otherwise advised by a supervisor.
2. The first Warden arriving at the scene will establish the priority of the search using the following table. The lower the priority factors, the more urgent the need to respond.

Priorities

Victim Profile	Priority Factor
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Age

Very Young	1
Very Old	1
Other	2-3

Medical Condition

Known or suspected injured or ill	1-2
Healthy	3
Known Fatality	3

Number of Victims

One Alone	1
More than one (Unless Separation Suspected)	2-3

Weather Profile Priority Factor

Existing Hazardous Weather	1
Predicted Hazardous Weather (8 Hours or Less)	1-2
Predicted Hazardous Weather (More Than 8 Hours)	2
No Hazardous Weather Predicted	3

Victim Experience	Priority Factor
Not Experienced, Does Not Know Area	1

Not Experienced, Knows Area 1-2
Experienced, Not Familiar With Area 2
Experienced, Knows Area 3

3. The lost person questionnaire will be completed before or during preliminary search efforts.
4. A supervisor will respond immediately to all SAR scenes unless advised by the Warden in charge that the incident has been resolved.
5. Once the Warden in charge of the scene has made an initial evaluation of the situation, he/she will contact the responding supervisor and request SAR resources from Warden Service and other state or federal agencies through the supervisor or with the supervisor's approval.
6. Warden Service personnel should consider all available SAR resources when making requests. The supervisor will contact the MASAR OD and advise him or her of the incident so that resources may be put on standby even if they are not requested at the time. The Warden in charge may call out any volunteer local or MASAR certified SAR resources without supervisory approval. (Certification will be determined by compliance with standards set by MASAR and recognized by Warden Service).
7. Supervisors will be responsible for notifying any local law enforcement agencies or other organizations which might have jurisdiction over the area.
8. Any Warden encountering facts which indicate that the incident may involve suspicious circumstances will be responsible for notifying the Criminal Investigative Division of the State Police or other appropriate law enforcement agency.
9. Whenever suspicious circumstances are encountered, the scene and all other related evidence will be immediately documented.
10. The Criminal Investigation Division, Maine State Police or other appropriate law enforcement agency will also be notified of any juveniles who are missing and presumed lost who are also the subject of a major search.
11. The Maine State SAR Plan provides guidelines for conducting of searches.

G. Mobilization of the Warden Service SAR Incident Management Team

1. The Division Lieutenant or Statewide OD may mobilize the Incident Management Team in a priority 1 search, with notification to the Colonel, Major or Warden Service SAR Coordinator.
2. In a Priority 2 or 3 search situation, the Assessment Team will determine the need for mobilization of the Incident Management Team. The Incident Management Section Chiefs are responsible for mobilizing trained Warden Service personnel as needed for each section.
3. Mobilization alert will occur immediately upon determination of a Priority 1 search or at such time as determined by the Assessment Team on Priority 2 or 3 searches. Instructions to members will include time, location to report to and telephone number or agency to contact for the status of the search.
4. The responsibility of mobilization and demobilization of civilian SAR teams during an Incident Management Team call-out will be shared by the Incident Commander(s) and or SAR Coordinators.

H. Reporting Requirements

1. The Warden in charge will be responsible to see that:
 - A. Utilizing the SAR synopsis form, a general description of the events of the search is provided within 30 days, including a description of where the person was found in relation to the point last seen.
 - B. For a major search, the Division Lieutenant is responsible for the reporting procedure including financial accounting and final analysis of the search.
 - C. The designated Search Investigator will retain a copy of the search records. In the event a subject is not found, the Search Investigator will be responsible for ongoing search investigations.
2. An original copy of all search records will be maintained in each Division Headquarters.
3. A copy of the search records will be sent to the Major's Office who will maintain these records for training and statistical purposes; an annual report of such records will be compiled and submitted to the office of the Chief Warden.

I. Post Incident Debriefing

1. A debriefing of each search will be conducted to enhance future SAR missions.
 - A. If the search is minor, the warden personnel and civilian SAR volunteers may meet on a Divisional level.
 - B. For major searches, the Incident Commander will be responsible to see that a proper debriefing is conducted.
2. The Search and Rescue Committee may also review any lost or missing person incidents as needed.

J. SAR Command Post

1. The Major will assign a Member of Warden Service to be responsible for the maintenance, repair, and supplying of the SAR Command Post.
2. The Incident Commander will be responsible for getting the Command Post to the incident scene, the care of Command Post at the scene, and the return of the Command Post to the place it is stored.

A. Purpose

To establish a uniform policy to govern the location where members of Warden Service are required to live.

B. All District Wardens, Warden Specialists and Sergeants shall reside within their respective assigned geographic area.

C. All Divisional Lieutenants shall live in their assigned division and within 50 miles of the regional warden headquarters.

D. All Warden Pilots shall reside in their assigned geographic area within 25 miles of where their aircraft is kept.

E. All other officers (Colonel, Major and Planning & Training Officer, etc.) shall reside within parameters established by the Commissioner.

F. Any deviation from this policy will have to be for the operational needs of the Department, as determined by the Colonel or the Major. Requests for deviation will only be granted under extenuating circumstances.

G. Any request for deviation from this policy will be in writing submitted through the chain of command. The Colonel or Major will respond to the request in writing.

H. Employees for whom tacit or implicit exceptions have been made prior to this policy are not immediately bound by this policy. They are, however, subject to compliance in any future action, occasioned by promotion or transfer. Grandfathered employees may not change the

location of their residence to a location which increases the distance they reside from their assigned area.

I. For the purpose of this policy, residence is defined as the domicile utilized by officers while on duty or reachable status. It shall contain means of communications by which they may be contacted by the general public, e.g., telephone.

J. Changes of residence occasioned by transfer or promotion or assignment will be completed within 90 days of such transfer or promotion or assignment. Officers may use Department vehicles at Department expense to commute within their assigned Division at the discretion of the Division Lieutenant, until the change of residence is completed within the time allowed. Any travel outside the division shall be approved in writing by the Major.

A. Purpose

To create a uniform policy to govern the appointment and use of Assistant Game Wardens. The number of Game Warden Assistants appointed for duty shall be determined by the Game Warden Colonel.

B. General Procedure

1. Assistant Game Wardens are to work on law enforcement tasks under the direct supervision of a full time commissioned Game Warden unless otherwise authorized by the Division Lieutenant or Section Sergeant.

2. All Assistant Game Wardens must be at least 21 years of age or 20 years of age with 60 credit hours prior to becoming an Assistant Game Warden.

3. Prior to application for the position of Game Warden Assistant, a potential applicant must be sponsored for application by a District Game Warden. The applicant and sponsoring warden shall be approved by the sponsoring Warden's Sergeant and the Division Lieutenant. Approval shall be granted when both Supervisors concur that the sponsoring Warden's job performance is satisfactory and would in no way be adversely affected by the extra responsibilities of supervising a deputy. A District Game Warden may not sponsor a Deputy Warden applicant until one year after the successful completion of the probationary period for new Game Wardens.

4. Application will be made on prescribed form and shall be accompanied by a physician's note that the applicant is capable of participating in a physical aptitude test.

5. All applicants must pass an examination and screening process approved by the Game Warden Colonel. This process will include but is not limited to the following:

- a. Pass a written examination, approved by the Colonel, to be administered at the appropriate Division Headquarters by the Division Lieutenant and/or his/her designee.
- b. Pass an approved physical aptitude test.
- c. Pass a oral board examination, to be administered within the Division of application by the Division Lieutenant and two Sergeants.
- d. Have a complete background investigation conducted to determine suitability for employment as a law enforcement officer. The background investigator will be assigned by the Division Lieutenant. The final report will be approved by the Colonel or the Major.
- e. Successfully pass a polygraph examination.

6. Successful candidates for the position of Game Warden Deputy must complete:

- a. A Level 2 training course approved by the Maine Criminal Justice Academy (Reserve Officer Training);
- b. Deputy Warden Training program in the areas of Fish and Wildlife law, and rules, and Maine Warden Service

policy and procedure, as prescribed by the Colonel or Major.

7. All Deputy Wardens must annually attend in-service training to obtain the number of training units required by the MCJA.

8. Deputy Game Wardens will only wear issued and/or approved equipment while on duty.

9. Firearms and ammunition carried by Deputy Game Wardens shall be approved by the Major or Colonel and shall comply with the Maine Warden Service firearms policy.

10. Before carrying a firearm, Deputy Game Wardens shall be required to successfully complete:

- a. Firearms training and qualification course according to the standards set forth in the Maine Warden Service firearms policy or
- b. Successfully complete firearms training and qualification course approved by the Colonel or the Major.

11. Deputy Game Wardens will be required to complete and submit monthly activity reports on forms prescribed by the Major. Monthly activity reports will be filed at the Headquarters in the Division to which the Deputy is assigned.

12. Every Deputy Warden may be reappointed each year on January 1, following approval by the Division Lieutenant and the Game Warden Major based upon:

- a. Satisfactory evaluation of the performance of the Deputy for the previous 12 month period;
- b. Successful completion of firearms training and qualifications;

c. Must have worked a minimum of 100 hours as a Deputy during the previous 12 months, excluding training.

13. Deputy Game Warden annual performance evaluations will be completed by the District Game Warden assigned to be the Deputy's Game Wardens supervisor.

14. In the event of a transfer of the District Game Warden who sponsored a Deputy Game Warden or in the event that a District Game Warden who has sponsored a Deputy is unable to continue as a sponsor, the Deputy must be sponsored by another Warden pursuant to criteria set forth in paragraph three (3) within 90 days. If the Deputy is not responsored within 90 days, the Deputy may be dismissed.

15. All Deputy Game Wardens must comply with and abide by all of the General Orders and Policies of the Maine Warden Service.

A. Purpose

To create a uniform policy to govern the use of Warden Service aircraft.

B. General Procedure: Scheduling

1. The Chief Pilot will oversee all Warden Service Aviation related operations and coordinate other departmental flight requests.
2. All emergency flight requests (life threatening) will take priority. Those requests will be made directly to the regional pilot or, in their absence, the closest available pilot.
3. During the months of May, June, October and November, Warden Service law enforcement will have priority except in emergency situations: i.e., search and rescue.
4. Each Warden Pilot will be responsible for scheduling all Warden Service flight requests.
5. Departmental scheduled flights will have precedent over all other flight requests.
6. All other departmental flight requests which require more than a daily flight will be made through the Chief Pilot.
7. All flight requests from other agencies except emergency situations will be made through the Chief Pilot.

C. General Procedures: Operations

1. Warden Pilots will accept only those flights that can be made in a safe and efficient manner.
2. All administrative flights will be made in accordance with applicable Federal Aviation Regulations, Part 61 and 91. All other flights will be considered Public Use Category.
3. All Warden Pilots will maintain a second-class medical certificate. A copy of the medical certificate will be forwarded to the Chief Pilot upon completion of the physical.
4. All Warden Pilots will have a biennial flight review. If operating in IFR conditions, each pilot will ensure that he/she has met recency or IFR experience to FAR, Part 61.57 el&2.
5. Unless otherwise authorized by the Chief Pilot, all flights will originate and end at the home base to where the plane is assigned.
6. Each Warden Pilot will ensure that his assigned aircraft is properly maintained at an appropriate FAA license facility or by an appropriately licensed FAA mechanic. Each aircraft will undergo a 100-hour or approved progressive inspections and will not return to service until deemed airworthy.
7. Each Warden Pilot will ensure that departmental aircraft facilities to which he/she is assigned are maintained in accordance with Department policies.

8. Each Warden Pilot while on duty will be readily available to respond with the aircraft to flight requests.
9. Each Warden Pilot will be functionally responsible to the Lieutenant in the division to which the pilot is assigned. The Warden Pilot will keep the Lieutenant informed as to the pilot's duty and aircraft status and other information necessary to provide coverage. The Lieutenant will make his divisional aviation requests known to the assigned pilot in a timely manner so as to provide adequate coverage.
10. When Warden Service aircraft is used by other bureaus within the Department, they will be billed monthly. Billing will be for direct operating costs of the aircraft only. These costs will be reviewed annually and a report made to Department heads.
11. The Chief Pilot will provide an annual report to the Major at the end of the fiscal year detailing the Aviation Division's activities.

D. General Procedures: Aircraft Bases

1. Northern Region: Eagle Lake Plane Base, Plaisted, Maine will provide routine coverage for: Division E, Ashland and Division C Districts 56, 57, 58, 59, 60, 62, 63 and 64.
2. Central Region: Greenville Plane Base, Greenville, Maine will provide routine coverage for: Division D and Division C Districts 41, 42, 43, 46, 47 and 61.

3. Southern Region: Augusta State Airport, Augusta, Maine will provide routine coverage for: Divisions A, B and C Districts 48, 49, 50, 51, 52, 53, 54 and 55.

E. Safety

1. Each Warden Pilot will ensure each passenger has had a detailed aircraft safety briefing which will include but not limited to the following:
 - a. Operation of all exits of the aircraft
 - b. Location and use of fire extinguisher
 - c. Location of all emergency survival gear
 - d. Location and use of all inflatable life vests
 - e. Procedures in the event of emergency
2. No Capstun will be carried aboard Warden Service aircraft unless in an airtight container.
3. Each Warden Service aircraft will be equipped with the following survival gear:
 - a. Waterproof bag
 - b. Inflatable survival vest
 - c. Sleeping bag (cold weather)
 - d. Inflatable airline type passenger vests (serviceable condition)
 - e. Shelter
 - f. Stove and fuel (backpacker type)
 - g. Axe/shovel/saw

- h. First aid kit
 - i. Rescue light/aerial flares/smoke
 - j. Portable radio and spare battery (Warden Service)
 - k. Snowshoes (winter)
 - l. Snowmobile suit
4. Each Warden Pilot will carry his/her issued sidearm, handcuffs and extra ammunition. These items will be readily available when any law enforcement activities are initiated. These items will be secure and not left in the aircraft unattended.

F. Backup Pilot Program

Job Description: When appointed by the Colonel of the Maine Warden Service, the backup pilot will perform the duties of a Game Warden Pilot as prescribed in the General Orders. The purpose of the program will be to provide backup coverage in the event a current Warden Pilot is on extended time off, sick leave, or absent from duty for other reasons. The backup pilot's duties and assignments will be temporary in nature and at the discretion of the Chief Pilot of the Maine Warden Service.

QUALIFICATIONS

1. Non-probationary, sworn officer of the Warden Service with at least one year of experience
2. Retired Warden Pilot
3. FAA Commercial License with an Instrument Rating; single land and sea

4. A current FAA second-class medical
5. Current Biennial Flight Review

FLIGHT TIME REQUIREMENTS

500 hours total time (PIC)
100 hours C180/C185 (PIC)
100 hours (single engine sea)
50 hours (conventional gear)

HIRING PROCESS

1. Resume including flight experience
2. Hiring interview
3. Flight check in Department aircraft

A. Policy and Purpose

1. STATEMENT OF POLICY

The Commissioner of the Department of Inland Fisheries and Wildlife recognizes the value, as well as the hazard, of underwater observations and operations and directs that all diving with a self-contained underwater breathing apparatus (SCUBA) be conducted in accordance with the requirements set forth in this policy.

2. PURPOSE

The purpose of the Policy on SCUBA Diving is to ensure that all diving conducted by Warden Service personnel is conducted in a manner most likely to avoid accidental injury or occupational illness.

3. SCOPE

This policy shall govern the procedural and operational manner by which SCUBA diving activities are conducted by Department personnel. Any variance from these provisions shall be reviewed by the Diving Safety Board and approved by the Major or his/her designee.

B. Diving Safety Board

1. Composition

The Diving Safety Board is an administrative committee

composed of the Colonel, the Major, the Dive Administrator, the Dive Master, and one Warden Diver appointed by the Major.

2. Responsibilities

The Diving Safety Board shall:

- a. Review existing training, practices, policies, and other matters associated with Warden Service SCUBA diving activities to ensure a high level of safety.
- b. Recommend to the Major appropriate changes to the Warden Service Diving Policy and training practices as needed.
- c. Review the qualifications of Warden Service personnel applying for diving status and establish certification requirements.
- d. Establish and/or approve training programs for the dive teams through which divers can satisfy the requirements of this policy, and through which refresher training for experienced divers can be obtained.
- e. Establish and/or approve the standard list of equipment to be issued to dive team members.
- f. Review Warden Service diving accidents, as well as unusual incidents encountered by Department dive teams which could have resulted in injury to the diver(s) involved, and submit a report to the

Commissioner, along with recommendations for avoiding a similar incident or accident.

3. Responsibilities

The Diving Safety Board shall have the authority to recommend to the Major suspension or termination of assignments to the Dive Teams. It shall have the authority to approve or disapprove diving procedures, practices, equipment, training, and related matters being considered by Dive Team Administrators.

C. Dive Teams

All diving by Warden Service personnel with self-contained underwater breathing apparatus (SCUBA) shall be in accordance with the Warden Service Dive Team or the Dive Team Administrator.

1. Functions

A. The Warden Service Dive Team shall be used for the following purposes:

- a. To search for and recover presumed or known drowned victims.
- b. Special services to other programs requiring use of SCUBA approved by the Colonel or Major.

2. Administration

a. The Dive Team Administrator shall be responsible for the dive team and for all diving equipment issued or utilized in a diving situation.

- b. All appropriate rules, requirements, standards, procedures, and associated matters not covered by Warden Service policy shall be developed and approved by the Dive Safety Board.
- c. The Dive Team Administrator or Dive Master shall designate a Lead Diver for each Warden Service dive situation. The Lead Diver shall ensure that proper diving practices are adhered to, that policies and associated rules, requirements, standards, and procedures are followed, and that all divers thoroughly understand each diving situation and exactly how to safely execute the job. The Lead Diver shall have authority over all Department personnel involved with the dive for which they have been assigned which shall include non-divers. All decisions regarding the safety of an assignment shall be made by Dive Administrator or, in his/her absence, the Lead Diver.
- d. The Lead Diver shall be responsible to ask each Dive Team member directly if they feel competent to execute an assigned task.
- e. Each Dive Team member shall have the responsibility and obligation to notify the Lead Diver if he/she does not feel competent to execute an assigned task.

D. Diving Procedures

1. SAFETY -- Regardless of the nature of a diving operation, **safety** shall be the number one concern of all personnel involved. It shall be the responsibility of the Dive Team Administrator and his/her designee to ensure that careful consideration be given to potential emergencies before any dive is undertaken, so that necessary aid may be obtained as quickly as possible.
2. DIVE TABLES -- The activities of Dive Team members shall conform to the PADI recreation tables.
3. SAFETY STOPS -- Recommended 3-minute safety stop at 15 to 20 feet on all dives below 50 feet.
4. DIVE RESTRICTIONS -- Dives shall be restricted to 66 feet unless permission is granted from either the Dive Team Administrator or his/her designee.
5. MAXIMUM DEPTH -- Except under extreme emergency or specialized training approved by the Dive Administrator or designee, no dive will be made deeper than 99 feet.
6. ICE DIVE LIFE LINES -- Descending lines should be used when practicable, and a life line to the surface will be attached to the diver in the water, tended by a standby diver. All divers will be familiar with hand line signals used with life lines.

7. BUDDY SYSTEM -- The "Buddy" system will be used when life lines are not utilized.
8. ASCENT RATE -- A diver's ascent rate will be slower than 60 feet per minute and, when possible, 20 feet to 40 feet per minute.
9. RESERVE AIR -- Divers are required to allow 500 p.s.i. in air tanks at end of dive.
10. INJURIES/ACCIDENTS -- Injury to a diver shall be immediately reported by one of the on-the-scene-members to Administrator. All Dive Team members having knowledge of the accident shall submit a written statement concerning the facts known by him/her to the Dive Team Administrator within 48 hours of the incident.
11. FLYING AFTER DIVING -- After diving, adhere to the following recommendations before flying or driving to an altitude between 1000-8000 feet. (Assuming no symptoms of decompression sickness.)
 - a. For 1 to 2 days no-decompression diving. If your total accumulated bottom time for all dives on both days is less than 2 hours: wait 12 hours before going to altitude. For more than 2 hours accumulated bottom time: wait 24 hours.
 - b. For more than 2 days of continuous diving or after any dive requiring emergency decompression: wait

24 hours.

Whenever possible, wait at least 24 hours before going to altitude after all no-decompression dives.

Whenever possible, wait at least 48 hours after a decompression dive.

* (8000 feet/2400 metres is the approximate cabin pressure of most commercial airliners.)

12. OXYGEN UNIT -- The Lead Diver will be responsible for locating and insuring the availability of a certified/inspected oxygen unit for emergency use.
13. RESCUE -- Divers may deviate from the life line (F) and buddy system (G) sub-categories during rescue operations but must maintain a life line for ice dive rescues.

E. Equipment

The Dive Team Administrator or his/her designee shall be responsible for the issuance and periodic inspection of the equipment assigned to the teams.

1. Dive Team members shall be expected to maintain their equipment in good working condition and in accordance with accepted and required maintenance and inspection schedules, as determined by a certified professional inspector.
2. Department issued dive equipment shall not be used for personal, commercial, or salvage dives.

3. SCUBA tanks will only be filled by certified air stations and will not exceed maximum p.s.i. requirements for each cylinder.
4. The Dive Team Administrator shall determine the equipment to be issued to individual team members in cooperation with the Dive Safety Board and take the steps needed to procure, assemble, test, and issue the equipment to team members.

F. Training

The Dive Team Administrator shall conduct annual training sessions in accordance with training plans cooperatively developed with the Dive Safety Board.

G. Medical Examinations

Medical examinations of Dive Team members shall be accomplished annually by a physician(s) of the Department's choice following procedures approved by the Dive Safety Board. The Dive Team Administrator may require additional medical examinations.

H. Records and Compensation

1. The Dive Team Administrator shall maintain records of the activities and equipment of the Dive Teams. Any requests for payment to divers for underwater time will be accompanied by a pay voucher.

2. Warden Service Divers will be considered eligible for dive pay whenever they are actually diving at an approved training session, on a work detail, or on a search. The safety diver or divers will also be eligible for dive pay for the time that they are acting in that capacity.
3. Any training dive or work detail will require the prior approval of the Dive Team Administrator or the Major.
4. All dive pay vouchers are to be sent to the Dive Team Administrator within one week of completion of the dive.

A. Purpose

To establish a uniform policy on license revocation recommendations for Maine Warden Service personnel.

B. Definitions

1. Mandatory Revocations -- Includes all violations that require mandatory revocation of licenses as a result of the provisions of Title 12, Chapters 701 to 721.
2. Special Revocations -- Includes all violations that are not designated as mandatory revocations as a result of the provisions of Title 12, Chapters 701 to 721.

C. Procedure

In order to assure that the revocation of licenses is carried out in a fair and consistent manner and with the greatest deterrent factor, the following will be considered standard procedure:

1. It is the responsibility of all members of Warden Service to become familiar with and periodically review this policy and all of the provisions of Title 12, Chapters 701 to 721 that pertain to license revocations.
2. Whenever a Game Warden apprehends a person for a resource related violation, he or she will advise that person, at the time of the apprehension, that a conviction of this offense may result in a suspension of that person's license. Under extenuating circumstances, the respondent may be notified at a later date.

3. Within 14 days of adjudication of a violation including a revocation of a license, the District Warden will submit the following documentation to the divisional headquarters:
 - (a) a copy of the uniform criminal summons
 - (b) a completed file #2 prosecution report
 - (c) a "Request for License Revocation" form with a synopsis explaining the pertinent facts of the case or a copy of the case report.

Upon receiving a request for license revocation, a Sergeant or the Division Lieutenant will review the request(s) and, after approving the request(s), will forward it to the Augusta office weekly. For the purpose of enforcement, the date of notification will be the effective date of a revocation.

A. Purpose

To establish a uniform policy on the handling of suspected rabid wild animals.

B. Definitions

1. Exposure:

- a. A visible bite or significant scratch penetrating the skin from a confirmed or suspected rabid animal.
- b. A non-bite exposure is direct contact of the skin or mucous membrane with potentially infectious material such as saliva or central nervous system issue (which, may contaminate a nonapparent scratch, abrasion, or open wound) from a confirmed or suspected rabid animal.
- c. Eating of any part of a confirmed or suspected rabid animal.

2. H&EL:

The Health and Environmental Testing Laboratory in Augusta.

C. Procedure

1. General

- a. It is the responsibility of the Department to ensure that all incidents of exposure of wild animals to domestic animals or humans are investigated and that the appropriate action is taken.
- b. Wardens may respond to and transport suspected rabid

wild animals in which exposure has occurred between a wild animal and a domestic animal or a human. Animal control officers, animal damage control agents, wildlife rehabilitators; municipal, county, and state police officers may also be authorized to handle these types of incidents and in many cases will respond in the absence of Warden Service.

- c. Complaints of and requests for transportation of suspected rabid domestic animals shall be referred to the appropriate local Animal Control Officer (ACO).

2. Specifically

- a. When Warden Service receives a complaint that a human or domestic animal has been exposed to a suspected rabid wild animal, the person receiving the complaint will make sure that a Game Warden or other appropriate official responds immediately.
- b. Upon receipt of a complaint that a human has been exposed to a suspected rabid wild animal, the complainant shall be advised to immediately do the following:
 1. Wash wound vigorously with soap and water for ten minutes.
 2. If the wild animal can be shot safely, to shoot it in the body and not in the head.

3. Leave the animal alone. Do not handle it. The Department will ensure that the suspected rabid wild animal is transported to the H&EL.
 4. Contact a physician immediately.
- c. Upon receipt of a complaint of an exposure incident involving a domestic animal and a suspected rabid wild animal, the person should be advised to contact a veterinarian instead of a physician.

3. Transportation

- a. All animals except bats should be decapitated by veterinarians or trained personnel before being submitted to the H&EL. The H&EL does not have facilities to process carcasses and they may not be accepted or tested. The personnel at the lab will give instructions for decapitation over the phone if requested.
- b. Two layers of gloves including at least one pair of latex gloves should be worn while handling or decapitating the animal.
- c. The head or animal should be placed in a sealed or leak proof bag or container.
- d. After performing this procedure, the Warden should wash his/her hands thoroughly with soap and water.
- e. The specimen should then be kept cool and transported

to the H&EL in Augusta. Do not freeze the specimen.

f. Accompanying the specimen should be the following information:

1. Species of animal
2. Date of exposure
3. Nature of exposure
4. Name, address, and phone number of person exposed or the owner of the domestic animal exposed.
5. Name, address, and phone number of the physician and/or veterinarian consulted.

4. Additional Guidance

- a. A booklet titled "Rabies Management Manual" and published by the Maine Department of Human Services should be consulted for further information concerning rabies and the problems arising from it.

A. Purpose

This policy is established to ensure the proper care and use of night vision equipment by members of Warden Service. This policy also takes into consideration the security issues surrounding this highly sophisticated type of equipment.

B. Definition

1. Night Vision Equipment: Means any light or vision enhancing equipment designed to be used primarily at night. This includes but is not limited to the type of equipment issued by Warden Service. Equipment such as flashlights and spot lights, that emit artificial light, are not considered to be night vision equipment for the purposes of this policy.

C. Issuance and Storage

1. The Division Lieutenant in each of the respective divisions shall be responsible for the temporary issuance of night vision equipment within the Division. When the equipment is not issued to any Warden within the Division, it shall be stored at the Division headquarters under lock and key. The Lieutenant will establish a "sign out" procedure for the equipment.

2. When the equipment has been temporarily issued to a Warden and is not in use, it will be kept secured in its case in a locked vehicle or kept in a secured place under the control of the Warden. When not in use, the equipment shall be kept out the view of the general public.

D. Night Vision Equipment Use

1. The equipment will be used for law enforcement and search and rescue purposes only.
2. The equipment will not be used from a moving motor vehicle with the exception of water craft, snowmobiles, ATVs and aircraft.
3. The Warden using the equipment will take into consideration the existing weather and work conditions and will not use the equipment if there is a reasonable risk that it might become damaged or lost. The exception to this would be in search and rescue missions when there is an immediate threat that the search victim will become injured or ill, or will die if he or she is not found as soon as possible.

E. Loss, Damage and Repair

1. If the equipment should become lost, damaged or comes into need of repair, the Warden to whom the equipment was issued shall immediately report such damage or loss to the respective Division Lieutenant.
2. The Division Lieutenant shall report any loss or major damage to the Major.
3. The Division Lieutenant shall insure that the equipment is repaired or routine maintenance is performed when the need arises.

F. Special Exceptions

1. The Colonel or Major may authorize a deviation from this policy at any time.

A. Purpose

To establish a uniform policy governing the personal use of state owned motor vehicles and equipment by members of Warden Service.

B. General Procedure

1. Personal use of state owned motor vehicles while on duty status:
 - a. Wardens are authorized to transport members of their immediate family within their assigned area.
 - b. Wardens may use state owned motor vehicles for personal errands within their assigned area.
 - c. Transportation for a member of a Warden's immediate family beyond the Warden's assigned area shall require prior permission from his/her immediate supervisor.
2. Personal use of state owned motor vehicle while on scheduled time off:
 - a. The Warden must assume an on-duty status for the communication and operational purposes and be subject to duty if the need arises. An authorized firearm and Department I.D. card will be carried in the vehicle.
 - b. Vehicles will be marked as covered in the Inland Fisheries and Wildlife Departmental Policy DP-A. 2.
 - c. Use of motor vehicle will be restricted to the Warden's assigned area unless the following authorization is obtained:

1. Within Warden section -- permission from Sergeant.
 2. Within Warden division -- permission from Lieutenant.
 3. Within state but outside division -- permission from Colonel or Major.
 4. Out of State -- No permission will be granted except for emergencies.
- d. Expenses incurred for gasoline, oil and other costs shall be borne by the Warden and receipts for these costs will be submitted with the Warden's weekly activity report at the end of the 28-day reporting period. Such expenses incurred shall be paid by check or money order made Payable to the Treasurer, State of Maine and sent in with the appropriate 28-day report form.
- e. Non-duty miles driven will be recorded in the appropriate place on the Warden's weekly activity reports.
- f. The personal use of state owned motor vehicles shall be restricted to the following:
1. Emergencies
 2. Necessary personal business
 3. Kept to an absolute minimum

- g. For the purposes of this policy, the following terms have the following meanings:
1. State owned motor vehicle - issued automobile or pickup truck.
 2. Necessary personal business - the non-emergency, noncommercial use of the state owned motor vehicle for the sole purpose of transporting the Warden and/or members of his/her immediate family when a personal family vehicle is not readily available.
 3. State owned equipment - those items of equipment issued by the Department to that Warden except airplanes.
3. Personal use of state owned equipment while on scheduled time off:
- a. Wardens may use state owned equipment within the scope of and under the same guidelines as the State owned motor vehicle except they need not comply with 2a.

A. Purpose

To create a uniform policy for the reporting of submerged motor vehicles in the waters of the State, Title 17, Section 2267-A, Subsections 1-6.

B. Requirement of Owner

The law requires that the owner of any motor vehicle which becomes submerged or partly submerged in the waters of the State shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and Wildlife of the event and the location of the vehicle. Notification shall be made to a District Warden, acting as an agent for the Commissioner.

C. Reporting Procedure

1. The District Warden will report the incident to the Lieutenant at the Regional Headquarters as soon as possible, giving the date, time, owner/operator, registration number, name of the body of water, town and county of the body of water, location in the body of water using landmarks as references. Include an opinion as to whether the vehicle creates a health or safety hazard and if the body of water is the water supply for a municipality. Any follow-up information and/or verification as to when the vehicle has been removed should be reported. Take appropriate court action if and when

it becomes necessary. Make out the usual complaint report and submit through the usual channels.

2. The Lieutenant will report via telephone as soon as possible after receiving notification from a District Warden the incident to the Department Environmental Coordinator and will keep them informed of any follow-up information regarding the incident.

DEPARTMENT OF INLAND FISHERIES & WILDLIFE
284 State Street, Augusta, Maine 04333
PLANNING DIVISION

SUBMERGED VEHICLE REPORT

Notice Received by Planning Div. Date: _____

Investigating Officer _____

Lieutenant _____

Recommended Action: Remove Immediately ()

Remove within legal timeframe ()

Copy of this notice sent to: D.E.P. ()

Copy of this notice sent to: State Police ()

If public water supply: Utility _____

Municipality _____

Vehicle Make _____ Model _____ Year _____

License# and State _____

Owner's Name _____

address _____

Driver (if different) _____

Date of Submersion _____ Town of Submersion _____

Body of Water _____

Specific Location _____

Was vehicle totally submerged () Partially submerged ()

Is body of water a public water supply? YES () NO ()

Does vehicle pose public health hazard? _____ If yes explain: _____

Has vehicle been recovered or are plans being made to do so? _____

Date vehicle removed _____

A. Purposes

It is the responsibility of the Maine Warden Service to identify and analyze exposures to loss resulting from the operation of vehicles on State business and to examine and implement appropriate risk control measures to reduce the frequency and severity of vehicle losses arising from these exposures.

B. Definitions

1. Operator -- Any person who controls the movement or operation of a vehicle.
2. Vehicle -- Any motor vehicle, special mobile equipment, trailer, snowmobile, or other machinery and equipment as defined in the Maine Tort Claims Act (14 M.R.S.A. Section 8104-A (1) and for which self-insurance is provided through Risk Management Division.
3. Reportable Accident -- Any occurrence (involving a vehicle operated on State business) which either has or may result in injury, death and/or property damage.

C. Responsibilities

The Maine Warden Service will:

1. Receive and review all reportable accident reports to determine responsibility; and
2. Establish and administer a uniform method of classification for reportable accidents; and
3. Identify, recommend and facilitate corrective actions to

improve operator and vehicle safety on both an individual and a comprehensive basis; and

4. Periodically analyze vehicle loss frequency and severity trends and make recommendations on ways to reduce losses and improve operator safety.

D. Reviewing Accidents Reports

The Maine Warden Service shall impartially investigate and review all facts and evidence pertaining to a reportable accident including those provided in the operator's report of accident in order to determine preventability.

E. Classification of Reportable Accidents

The Maine Warden Service shall classify all reportable accidents into one of two categories. The entire occurrence will be evaluated to avoid operators from being treated unfairly.

1. Preventable:

(a) Reportable accidents shall be classified as preventable when the operator did not do everything reasonably possible to prevent the occurrence. In situations where the operator is not "primarily responsible", the accident shall be classified as preventable if the operator did not take all reasonable steps to prevent the occurrence. Preventable does not mean blame. Prevention takes aim at improving effectiveness. Blaming (or excusing) rarely improves effectiveness.

To deem an occurrence preventable is to say that some reasonable change can be made to reduce the chance of a repeat occurrence - to get the job done without the same harmful result. Ultimately, it is the operator of a vehicle who must assume responsibility for the occurrence. The operator must drive defensively at all times with care and always be prepared for the unexpected. Emergency situations demand extreme care and superb driving skills and will not be routinely overlooked just because they are emergencies.

(b) A reportable accident resulting from an intentional act on the part of the operator of an emergency vehicle shall be classified as preventable when:

- (1) The intentional act does not comply with departmental policy; and/or
- (2) There is cause to believe that, under the set of circumstances given, other actions would have been in the better interest of safety and/or law enforcement.

2. Non-preventable:

(a) Reportable accidents will be classified as non-preventable only when the operator did do everything reasonably possible to prevent the occurrence.

(b) A reportable accident resulting from an intentional

act on the part of the operator of an emergency vehicle shall be classified as non-preventable when the event complies with departmental policy and was acceptable action under the set of circumstances given.

F. Corrective Actions

If an accident is classified as preventable, the Maine Warden Service may recommend corrective actions be taken. Such recommendations may include, but are not limited to, the following:

1. Additional training be provided to the operator, such as driver training, defensive driving training, or emergency vehicle operation training; and/or
2. Examinations - physical, eye, or written -- be given to the operator to identify problem areas pertinent to the operator; and/or
3. Restricted operation of vehicles on State business; and/or
4. Duty assignment not requiring operation of vehicle on State business; and/or
5. Progressive discipline; and/or
6. Damages to vehicle be paid by operator.

G. Notification to Operator

If an accident is classified as preventable and the Maine Warden Service recommends any type of corrective or disciplinary action as a

result, the operator and his/her supervisor shall be notified in writing within thirty (30) calendar days of the determination. Such notification shall include:

- (1) The classification; and
- (2) The recommended corrective or disciplinary action; and
- (3) The right to appeal should the operator disagree with the classification; and
- (4) The appeal procedures.

H. Appeal Procedures

- An operator who disagrees with the original classification and/or the recommended corrective action shall have the right to appeal the classification to the Maine Warden Service Fleet Safety Board created in this section.
- Notice of appeal must be directed to the Maine Warden Service in writing within fourteen (14) calendar days of the notification to operator. The appeal should include a brief statement of the grounds for appeal.
- The Maine Warden Service reserves the right to change its classification and/or recommendation based on any additional information the operator might present in the notice of appeal.
- The Maine Warden Service Fleet Safety Board shall hear the appeal in accordance with the established Fleet Safety Board procedures.

- If, after the appeal is heard, the operator still disagrees with the decision, he/she may appeal to the Commissioner of the Maine Warden Service within fourteen (14) calendar days. This appeal must be in writing and must include a brief statement of the grounds for appeal.
- The Commissioner's decision is final.

I. Maine Warden Service Fleet Safety Board (FSB)

Purpose

The Maine Warden Service Fleet Safety Board is established to receive and hear all formal appeals relating to reportable accidents. The basis for an appeal can be the classification, the recommended corrective action, or both.

Members

The Board will consist of three voting members:

- (1) A designee from the Maine Warden Service who will serve as Chairperson; and
- (2) A member of the Central Fleet Advisory Board; and
- (3) A third member (from the Risk Management Division) to be selected by the Chairperson. This member shall have investigation expertise and experience.

All members will serve until replaced.

Member Responsibilities

Chairperson

1. The Chairperson shall be responsible for scheduling FSB hearings and notification

of all persons concerned.

2. The Chairperson may require the operator or any State employee having knowledge of the accident to testify.
3. The Chairperson shall direct all activities of the FSB and be responsible for preparation, presentation, and maintenance of all records, reports and findings.
4. The Chairperson will forward to the operator and his/her supervisor the Board's decision and recommendation as to corrective action.

Members

1. Each member is entitled to one vote for each appeal presented and must issue a vote.
2. Each member is entitled to request a secret ballot.
3. Each member shall impartially review the facts, evidence, and witnesses' testimony and submit a fair, unbiased decision.

J. General Procedures

1. The Board shall meet in the Augusta area on a quarterly basis or at whatever times the Chairperson may direct, according to need.

2. No meeting shall be convened unless all members are present.
3. The Board will afford the operator the opportunity to fully explain the circumstances surrounding the accident, including anything they may feel contributed to the cause. The operator shall have the opportunity to present evidence or witnesses who can offer pertinent information relating to the accident.
4. The Board shall make decisions based on the definitions of preventable and non-preventable presented elsewhere in this section. All decisions shall be made without prejudice or bias and shall be based solely on facts presented through reports submitted or testimony given. Decisions shall be based on general guidelines of the defensive driving concept.
5. If the Board finds an accident preventable, it shall recommend corrective action to the Colonel or Major. Such recommendations may include, but are not limited to, the corrective actions presented earlier in this section.
6. In order to be valid, a decision must be by majority vote.
7. The Board shall notify the operator and his/her supervisor in writing of the Board's decision within seven (7) calendar days. This notification should advise the operator of the right to appeal to the Commissioner of

Inland Fisheries and Wildlife.

8. Reports shall be clearly labeled with the decision and kept on file at Risk Management Division and the Maine Warden Service office for a period of three years.

A. Purpose and Function

1. To provide Department personnel and members of the public a standard definition of what the following terms mean for educational and enforcement purposes.

B. Term

1. Beaver Dam - For enforcement and informational purposes, a beaver dam shall be defined as any dam constructed by beaver no matter what its current condition. This provides a standard definition of what is considered a beaver dam.
2. Setback Distance - Setback distance requirements specified in existing regulation shall apply to the trapping of all species at all times. As this regulation currently read, setback requirements apply to the setting or tending of any traps no matter what the season or species been trapped.
3. Beaver House - The term beaver house shall be interpreted to include any cavity in the bank which is capped by beaver with mud and sticks. The above definition addresses the question of whether or not a bank den is considered to be a bank den. Holes in the bank not capped with mud and sticks shall not be considered beaver houses.
4. Muskrat Den - A muskrat den is any cavity which is capped by muskrats with vegetative matter including but not limited to hollow stumps and bank cavities. Holes in the

bank not capped with vegetative matter shall not be considered muskrat dens.

5. Distance Measurements - For dams, dens, and houses, the setback distance shall be measured as follows:

House - Measured from the nearest intersection of the house and water or ice. In the case of capped cavity on the bank distance will be measured from the nearest intersection of the cap and water, ice or land.

Dens - Measured from the nearest opening.

Dams - Measured from the nearest intersection of dam with water, ice or land.

The above standards will provide for the uniform determination of legal setback distances.

6. Advanced Preparation on "Trapping Grounds" - There shall be no installation or placement of trapping implements, associated materials, or supplies or preparation of the site in the water or on the ice including the associated flowage, marsh, bog, brook, stream, river, pond, or lake prior to the beginning of the trapping season on these species. The above definition will provide a uniform definition of what constitutes advanced preparation for beaver and muskrat trapping.

7. Nuisance Beaver Removal - Every effort shall be made to minimize the out-of-season removal of nuisance beaver by agents of the Commissioner. This shall be accomplished by:
(1) maintaining in-season trapping opportunity in problem areas, and (2) restricting the removal of nuisance beaver by agents of the Commissioner prior to the beaver trapping season. Except in emergency situations, no nuisance beaver will be removed within 30 days of the opening day of the beaver trapping season in that area. A list of locations where beaver have been removed within 30 days of the opening of the beaver trapping season will be maintained at the appropriate regional office (Gray, Sidney, Bangor, Greenville and Ashland). The above provisions will maintain a greater level of beaver trapping opportunity.
8. For enforcement purposes, water sets set for muskrat and beaver during the months of December, January, February and March shall be considered under ice water sets.

A. Purpose

To establish a uniform policy regarding the enforcement of the fishing license regulation on boundary waters between the State of Maine and the Province of New Brunswick. The intent of this policy is to allow reciprocity of licenses in boundary water areas where boundaries are difficult to determine.

B. Procedure

1. On Glazier Lake, North Lake, East Grand Lake, Mud Lake, Spednic Lake, Grand Fall Flowage east of a line between red markers on McAlister Point and Abbot's Point, and St. Croix Flowage, either a Maine or a New Brunswick license will be honored on the main body of these waters. Fishing on these waters in any area or cove where jurisdiction can be determined by a straight line drawn between two points of land or fishing while positioned on shore or tied up to shore will require the appropriate agency license.
2. On boundary river waters, including the main stem of the St. Croix River, either a Maine or New Brunswick license will be honored. Fishing on these waters while positioned on shore or tied up to shore will require the appropriate agency license.

A. Purpose

In order that a uniform policy be maintained for all members of Warden Service, the following guidelines are established.

B. Uniform Designation

Two general uniform designations are created as follows:

1. Dress Uniform

Service hat, black boots/bloused trousers, gun belt with issue accessories, issue trousers and long-sleeved shirt worn with black necktie and accessories, and red coat.

2. Standard Working Uniform

The standard working uniform will consist of issue trousers, long-sleeved shirt worn with black tie, hat as set forth by seasonal dates below, and gun belt with accessories. Optional attire will consist of issue footwear, issue jackets, and bloused trousers. From April 1 through October 31 short-sleeved shirt, open at the collar, is an option.

C. Accessories

1. The summer field cap may be worn from April 1 through October 31.
2. The winter cap may be worn from October 31 through April 1.
3. The service hat may be worn at any time.
4. The red coat may be worn anytime.

5. When an undershirt is worn under the short-sleeved shirt, the exposed portion will be white in color.
6. Socks worn with shoes will be black.

D. Other Accessories

1. Badge -- will be displayed at all times on shirts, coats, and parkas worn by members of Warden Service. The badge shall be affixed to said garment centered above the left breast pocket or into that portion of the garment designed for retention of the badge.
2. Collar Brass, Warden Service -- will be affixed to the collar of the uniform shirt as indicated (refer to figure #1, page 2A) by all Wardens, Specialists, and Warden Pilots. Sergeants should wear collar brass on their long-sleeved shirts and brass chevrons on their short-sleeved shirt.
3. Officers Insignia of Grade -- will be affixed to the collar of the uniform shirt as indicated (refer to figure #2, page 2B) and centered at the outer edge of shoulder loops on all coats and jackets.
4. Sergeant Chevrons (sew on) -- will also be worn on uniform shirt, coat and jacket, positioned on the sleeve one-half inch between the top of the chevron and the bottom of the Warden Service shoulder patch.

5. Officers Gold Braid -- will be worn on the service cap by Lieutenants, the Major and Colonel.
6. Service Stripes -- For each three years of service completed by sworn employees of the Maine Warden Service, a red service stripe is authorized for the left sleeve of the official uniform. These service stripes will be worn in the following manner:
 - a. Winter Shirt -- 2 1/2" service stripe will be affixed to left sleeve on the line with the center of the shoulder patch one-half inch above the top of the sleeve cuff. Additional authorized service stripes will be positioned above initial service stripes and continue in line with the center of the shoulder patch toward same.
 - b. Field Jacket and Red Jacket -- 2 1/2" service stripe will be affixed to left sleeve three inches above cuff on left sleeve on line with center of shoulder patch and continue in the same manner as the winter shirt for additional authorized service stripes.
7. Hat Badge (large) -- will be affixed to service hat in the portion designed for the retention of said badge, and on the front portion of the fur cap centered top to bottom, right to left.

8. Tie Clasp -- will be centered between buttons, right and left from pocket.
9. Name Tag -- will be displayed at all times on shirts and jackets, centered above the right breast pocket, the bottom of the name tag in line with the top of the pocket flap.
10. Whistle Chain (optional) -- will be attached to the right epaulet button, and run behind the name tag and through the button hole in the right breast pocket.

E. Emblems

1. Specialty Team Designations (i.e., Aviation, Dive Team, etc.) -- When authorized, emblems will be worn centered one-quarter inch above the name tag or above any award pins.
2. Awards -- Awards for special service will be worn centered parallel and one-quarter inch above the name plate.

F. Special Purpose Uniform Equipment

The following pertains to wearing of coveralls, rain jacket and pants, snowmobile suits, snowmobile helmets at such times as authorized to be worn.

1. Coveralls -- may be worn over winter or summer uniform on work details for the purpose of protecting the uniform.
2. Rain Jacket and Pants -- may be worn together or in part with summer or winter uniform when necessary.

3. "Hunter Orange" apparel shall be worn over the uniform in the field during the moose hunting season for the zones applicable, the regular firearms season on deer, and the special muzzle-loader season on deer. Wardens are not required to wear the hunter orange apparel when working waterfowl hunters, special details that require concealment or when authorized by a supervisory officer within Warden Service.
4. Snowmobile Suits -- may be worn over the uniform in the field when necessary.
5. Snowmobile Helmet -- worn only when snowmobiling for safety purposes.

G. Firearms - Handcuffs - Ammunition

1. An approved handgun will be worn at all times while in uniform.
2. Handcuffs and key will be worn at all times while in uniform.
3. Only issued or approved handgun ammunition may be carried or used.
4. Wadcutters will only be used for purposes of training or qualification.

H. Gun Belt and Related Equipment

Only issued leather or nylon equipment will be worn by members of Warden Service unless directed by the Colonel in writing and includes

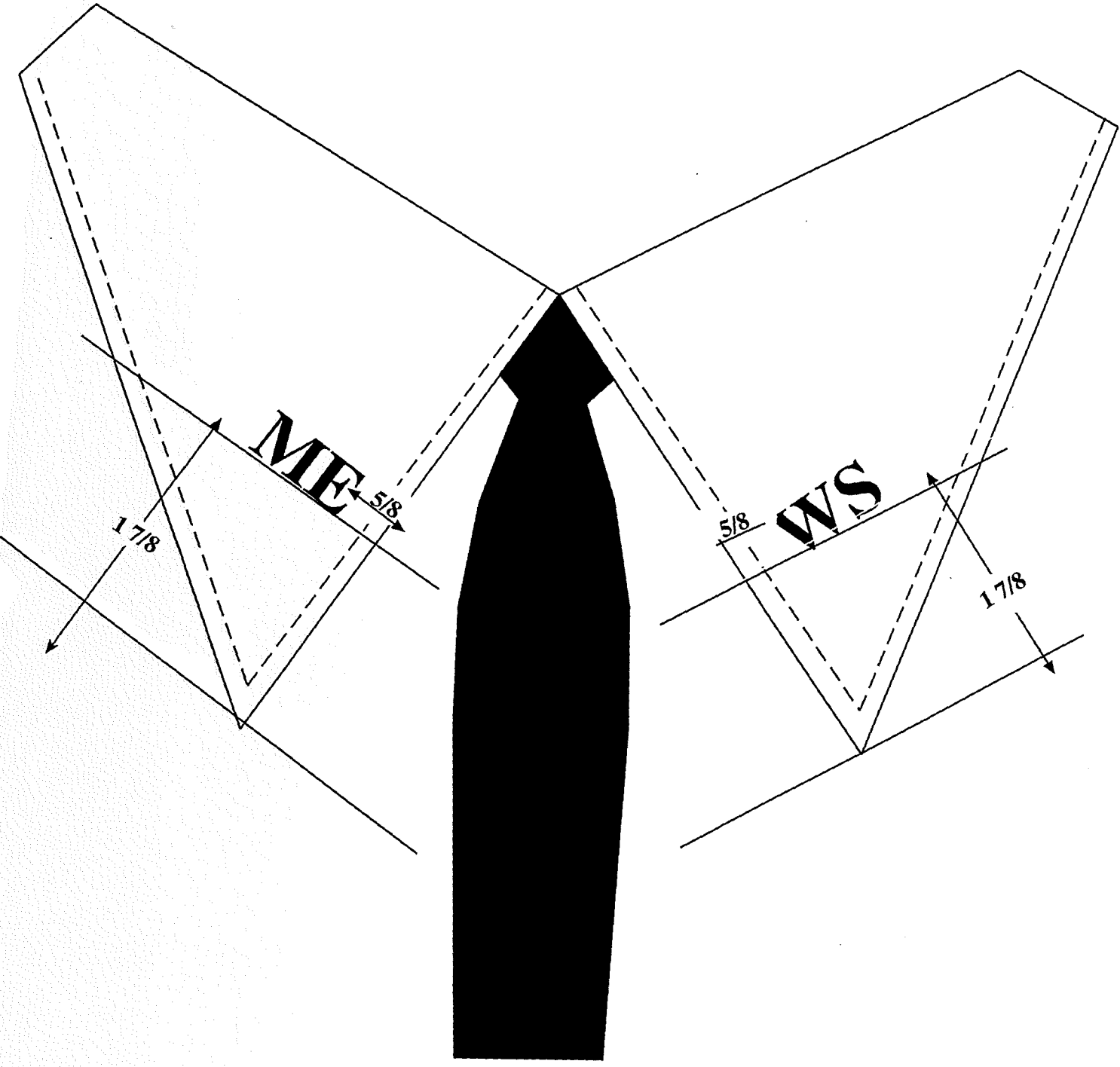
the following to be worn as directed: gun belt, holster, handcuff case, cartridge case, cap stun case.

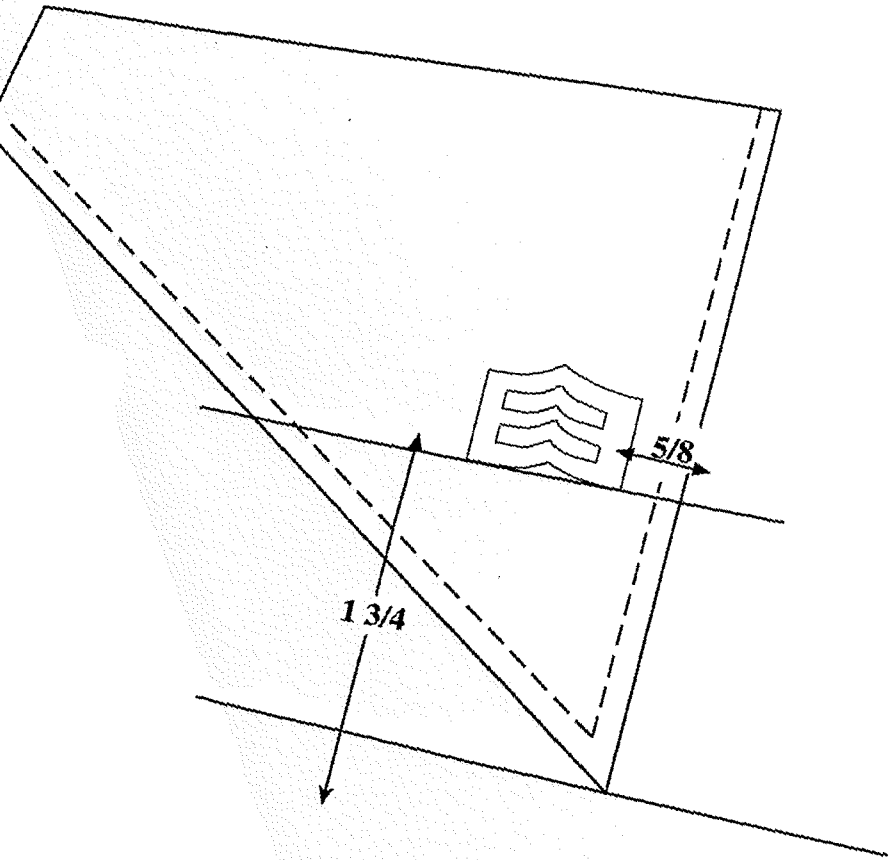
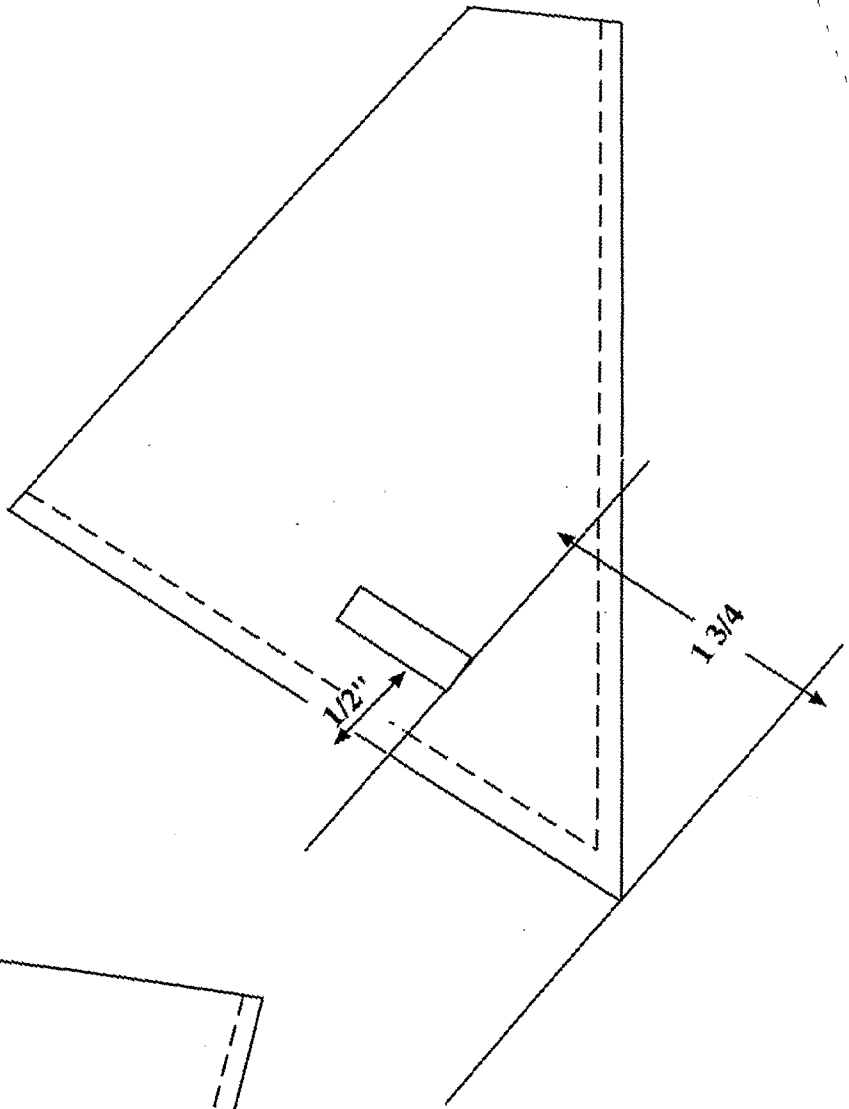
I. Approved Non-issued Equipment and Clothing

1. Folding knife and case -- It will be permissible to carry on the gun belt a folding knife completely enclosed and secured in a black polished leather and/or nylon case. The exposed portion of the snap on the case flap will be brass in color. The knife case will not exceed two and one-half inches in width nor six inches in length.
2. Cap Stun and Holster -- It will be permissible to carry cap stun secured in a holster on the gun belt. The holster is to be of black polished leather and/or nylon.
3. Non-Issue Clothing -- Non-issue clothing may be worn for specific work details when added warmth is necessary, however, the items to be worn have been approved and authorized by the Colonel in writing.

J. All leather gear will be kept polished and maintained in good and serviceable condition.

K. Camouflage may be worn while Wardens are participating in active surveillance. Wardens should avoid encountering members of the public while wearing camouflage.





A. Purpose

To establish a policy governing the issuance and submitting of Warden Service Summonses and Prosecution Reports.

B. Summons/Complaint Form

1. Wardens should use department approved and issued summons forms to summons respondents.
2. Wardens must return the court copy of the summons form (complaint) to the District Court within five days of issuing the summons or as the court requires.
3. The appropriate copy of the summons will be forwarded to the court officer in time for arraignments.

C. Prosecution Report

1. A File 1 copy for each summons will be turned in with the Warden's weekly reports for the week the summons is issued to the respondent.
2. The File 2 copy for the prosecution will be turned in with the Warden's reports within 14 days of the completion of the court case.

A. Purpose

To establish a uniform policy regarding the execution of search warrants by members of the Maine Warden Service.

B. Considerations

1. Officers must be mindful of the rights and feelings of the owners and occupants of dwellings that are being searched. Officers will conduct searches with a high degree of care and professionalism. They will adhere to the statutory and constitutional guidelines applicable before, during, and after executing a search warrant.

C. Procedure

1. Officer safety will be a primary concern when executing a search warrant. A minimum of two officers will be present when a search warrant is conducted.
2. Department issued body armor will be worn when executing a search warrant.
3. If available, a supervisory officer will be present.
4. The officer's immediate supervisor shall be notified before the warrant is executed. If he or she is not available, the division OD will be notified.
5. Prior to conducting a search of an unoccupied dwelling, the officers will make reasonable attempts to contact the property owner and/or an adult who was left in charge of

the dwelling, so that one of them may be present while the search is being conducted.

6. Officers will use the absolute minimum amount of force necessary to complete the search.
7. After the search has been completed, the premises should be left as secure as it was found prior to the search. A copy of the search warrant and the inventory will be left at the premises.

A. Purpose

To establish a uniform policy governing the use of decoy animals and/or birds in the enforcement of fish and wildlife laws.

B. Concerns

Public safety and officer safety will be the overriding concern in all decoy use situations. Proper placement of the decoy is essential to insure public safety in terms of both bullet trajectory and/or traffic hazards.

C. Procedure

1. All decoys will be used and placed so as to ensure the absolute safety of all persons and/or property.
2. No hand-held decoys will be utilized.
3. No decoys will be used within the right of way of a paved way during daylight hours.
4. The rear side of all big game decoys will be sufficiently marked with hunter orange paint, tape or cloth so that the decoy will be conspicuous to all persons approaching it from the back side.
5. Decoys will be placed in such a manner and location so as to require a conscious effort by a hunter to see them.
6. A minimum of two officers will be present when big game decoys are used. One of these officers must be a full-time game warden.

7. No court action will be initiated unless a weapon is discharged in the general direction of the decoy or a blatant, overt act is committed above and beyond the mere lighting of a decoy. A great deal of discretion should be used by officers when prosecuting a violator as a result of the daytime use of decoys.
8. No decoy will be used without prior approval of a supervisory officer in regards to location and method.
9. Department issued body armor will be worn when decoys are being used.

A. Purpose

This policy is established to define emergency operational needs, as referred to in the Memorandum of Agreement for Game Wardens and Warden Specialists contained in the Agreement Between the State of Maine and the Maine State Employees Association Law Enforcement Services Bargaining Unit dated May 19, 1994.

B. Definitions

Emergency operational needs will be recognized as meaning:

1. A life-threatening or life-endangering situation that a Warden Service personnel is responsible for handling.

C. Procedure

When a Game Warden, Game Warden Specialist or Game Warden Investigator determines that he/she needs to work or respond to an emergency after working 8 or 8.5 hours, he/she will attempt to contact a Game Warden Sergeant or Game Warden Lieutenant prior to performing the work. If contact is made, then the supervisory officer will determine what action is to be taken, i.e., work to cease, continue or assign someone else.

If contact is not made with a supervisor and the situation falls within the definition of an emergency operational need, the employee will continue to work or respond to the situation and notify his/her supervisor within 12 hours.

A. Purpose

This policy is established to ensure the proper care and wearing of issued soft body armor by members of Warden Service.

B. Definition

1. Readily Available. "Readily available" means within immediate reach. Immediate reach, as it pertains to storage in the issued vehicle, is within the occupant compartment.

C. Wearing and Inspection of Soft Body Armor

1. In order for soft body armor to be effective, it must be worn. Therefore, soft body armor should be worn at all time.

Additionally, the wearing of soft body armor is mandatory in the following circumstances:

- a. When serving warrants,
 - b. When assisting another agency in an enforcement action,
 - c. When using wildlife simulators,
 - d. or, Under the direction of a Warden Service supervisor.
2. Under normal circumstances, soft body armor shall be worn under the uniform shirt.

3. Supervisors shall inspect those officers under their direction during supervisory contacts to determine if the issued soft body armor is being worn. If the soft body armor is not being worn, the supervisor shall encourage the member to do so and ensure that each member not wearing the issued soft body armor has it readily available.

D. Care of Soft Body Armor

1. Carrier Care Instructions

- a. Remove Kevlar panels prior to washing outer garment.
- b. Machine wash garment only at warm temperature. DO NOT USE HOT WATER.
- c. DO NOT USE BLEACH.
- d. Garment may be tumble dried at low temperature. Remove at once.
- e. Do not wring or twist garment.
- f. Garment must be completely dry prior to Kevlar panel insertion.

2. Ballistic Pad Care Instructions

- a. Clean by using mild soap and water. Rinse thoroughly. Do not submerge vest.
- b. Lay flat. Let dry completely before replacing in carrier. The panels should be allowed to dry indoors, out of direct sunlight.

- c. Do not machine wash or machine dry.
- d. Do not bleach, dry clean, iron or use chemicals for cleaning.
- e. Do not alter or modify your vest.

e. Damage

- a. Do not use the issued soft body armor if the ballistic package seal has been broken, damaged or otherwise interrupted, or the ballistic package has been damaged in any way.
- b. If any part of the soft body armor is damaged or worn out, notify your supervisor immediately to arrange for its repair.
- c. Soft body armor should not be worn when soaking wet, since water may act as a lubricant permitting a projectile to penetrate. If the soft body armor becomes soaking wet, it will regain its original ballistic properties when allowed to dry.

4. Undergarment

- a. Some type of undergarment shall be worn under the soft body armor to protect it from absorbing perspiration and/or body oils.

E. Shooting or Other Violent Incident

- 1. Medical Examination. If an officer is struck by a bullet on the soft body armor and is apparently uninjured, the

officer shall be examined by a physician to ascertain if blunt body trauma or internal injury has occurred.

2. Replacement. If the soft body armor is struck by a bullet or otherwise damaged by a knife or other instrument, it must be returned to the storehouse for replacement.

A. Purpose

A relationship of trust and confidence between Game Wardens of the Maine Warden Service and the communities they serve is essential to resource management and effective law enforcement. Game Wardens must be free to exercise their best judgment and to initiate enforcement action in a responsible, lawful, and impartial manner without fear of reprisal. So, too, Game Wardens have a special obligation to respect the rights of all persons. Maine Warden Service acknowledges its responsibility to establish a complaint system and disciplinary procedures which not only will subject the Game Warden to corrective action when improper conduct has occurred, but also will protect Game Wardens from unwarranted criticism when they discharge their duties properly. It is the purpose of these procedures to provide a prompt, just, and open disposition of complaints regarding the conduct of Game Wardens of this Department.

It is the policy of the Maine Warden Service to encourage citizens to bring to the attention of the Department situations where the conduct of its Game Wardens is judged improper. The Department will make every effort to insure that no adverse consequences occur to any person or witness as a result of having brought a complaint or having provided information in any investigation of a complaint. Any Warden Service employee who subjects a complainant or witness to recrimination shall incur appropriate disciplinary action.

Maintenance of effective liaison between the Colonel and/or Major of the Maine Warden Service and the Maine Attorney General is necessary in order to assure that the results of internal

investigations are adjudicated fairly, impartially and thoroughly when dealing with situations involving allegation of criminal conduct.

This Policy will specify the types of complaints requiring investigation, describe the investigation process, and stipulate officer's rights and responsibilities relative to complaints.

B. Procedure

1. The Warden Service encourages citizens to bring forward legitimate grievances regarding misconduct by its employees. To this end, a copy of "How To File a Personnel Complaint" will be given to any citizen requesting such information. A copy of this document is attached to this policy. Complaints, regardless of nature, can be lodged in person, by mail, or by telephone.
2. Any employee of the Bureau of Warden Service who receives a complaint against an officer shall, as soon as practicable, and through the chain of command, notify the Colonel of the details of such complaint for evaluation and assignment.
3. Upon receipt of a complaint, the Colonel shall determine whether the complaint should be investigated by the Major, Division Lieutenant, Section Sergeant, or an appropriate agency outside the Department.
4. The Colonel shall discuss complaints of criminal conduct with the Office of the Attorney General Investigations Division for possible referral.

5. Investigation of complaints shall be completed within a reasonable time based upon the circumstances or the alleged misconduct and the investigation.
6. It is the responsibility of the assigned investigator to thoroughly and confidentially investigate the case and submit a complete and accurate investigation report. Any and all relevant information obtained by the investigator shall be entered into the investigation report.
7. Interviews should be tape recorded whenever possible. Tapes must be forwarded to the Colonel with the completed report.

C. Reports

1. When a personnel complaint is assigned, the investigating officer shall forward a full report to the Colonel upon completion.
2. The report shall include a summary of interview with the complainant, synopsis, and detail section including finding of fact, chronology of investigation, as well as documentation that the officer's contractual rights were adhered to, i.e., when notification of the investigation was made, when the notice was given, etc. **No recommendations regarding disposition or discipline will be included in the report without prior consultation and authorization by the Colonel.**

D. Complaint Disposition

1. All complaints will be finalized by the Colonel under one of the four following dispositions for each allegation:
 - a. Unfounded: no basis in fact for the complaint;
 - b. Exonerated: facts are found to have actually occurred but their occurrence was lawful or justified and proper;
 - c. Not Sustained: investigation produced insufficient evidence to prove or disprove the allegation; or
 - d. Sustained: officer(s) committed all or part of the alleged acts of misconduct.

E. Final Action To Be Taken On Complaint

1. After review, and dependent on the severity of the case, final action may be taken on the complaint.
2. If the complaint is unfounded, exonerated, or not sustained, the Colonel shall notify the employee, MSEA, and the employees supervisor in writing.
3. If the complaint is sustained, then the appropriate corrective action shall be approved by the Colonel in consultation with appropriate supervisors and staff.

F. Notification of the Complainant of Final Disposition

1. Upon final disposition, the complainant will be notified of the outcome of the investigation. Notification will be made by the Colonel or designee.

2. Such notification shall be limited to whether the complaint was unfounded, exonerated, not sustained or sustained. If sustained, the complainant will be advised that appropriate corrective action was taken. The complainant will not be advised of the specifics of the disciplinary action taken.

G. Administrative Responsibilities of the Colonel.

1. The Colonel shall insure that:
 - a. All citizen complaint records and investigations remain confidential as allowed or required by statute;
 - b. Each complaint and corresponding investigation is documented;
 - c. An annual summary report is prepared for the Commissioner which includes statistical data that will aid in identifying the possible need for training, supervision, and other pertinent issues.
 - d. The Chief Warden shall comply with the reporting requirements of the Maine Criminal Justice Academy Board of Trustees as required by statute.

H. Officer Rights and Responsibilities

1. See applicable M.S.E.A. contract.

MAINE WARDEN SERVICE

Garrity Warning

Internal Investigation (Administrative)

This is to inform you that as a member/employee of the Maine Warden Service you are currently the subject of an internal investigation which concerns a matter of _____. This questioning will concern administrative matters relating to the official business of the Maine Warden Service. I am not about to question you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceedings.

Since this is an administrative investigation, any self-incriminating information you may disclose will not be used against you in a court of law. You are therefore required to answer my questions fully and truthfully. The questions will relate specifically and narrowly to the matter under investigation. If you refuse to answer my questions or if you attempt to hamper the investigation in any way, this, in itself, is a violation of the rules and regulations of the Maine Warden Service and you may be subject to departmental discipline which could result in your dismissal.

You will be allowed union representation during this interview.

Do you understand what I just explained to you?

(Yes) _____ (No) _____

(Record questions/responses in this space)

Time _____ Date _____ Witness _____

Investigator _____ Witness _____

MAINE WARDEN SERVICE HOW TO FILE A PERSONNEL COMPLAINT

If you wish to make a complaint about the actions of a member of the Maine Warden Service or about any aspect of the Bureau, please:

Come to or call any Maine Warden Service Headquarters or Office and tell any member of the Warden Service staff that you wish to make a complaint.

Warden Service Main Office	287-2766
284 State Street Sta. 41, Augusta, ME 04333-0041	
Fax 287-8094	
Gray Regional Headquarters — Div. A	657-2345
RR 1, 358 Shaker Road, Gray, ME 04039	
Sidney Regional Headquarters — Div. B	Fax 657-2980
270 Lyons Road, Sidney, ME 04330-9711	
Bangor Regional Office — Div. C	547-5300
650 State Street, Bangor, ME 04401-5654	
Greenville Regional Office — Div. D	Fax 547-4035
P.O. Box 551, Greenville, ME 04441	
Ashland Regional Office — Div. E	941-4440
P.O. Box 447, Ashland, ME 04732-0447	
	Fax 941-4443
	695-3756
	Fax 695-2022
	435-3231
	Fax 435-2009

Written complaints should be mailed to the Colonel of the Maine Warden Service, Department of Inland Fisheries and Wildlife, 284 State Street Station 41, Augusta, Maine 04333-0041. The report should identify yourself and contain specific details about your complaint. (If necessary, a supervisory member will assist you in filling out a report of a complaint.)

The receipt of your complaint will be formally acknowledged in writing.

Your complaint will then be investigated. You may be contacted to provide additional information about your complaint.

If the investigation of your complaint is going to exceed 30 days, you will be contacted in writing about the circumstances of the delay and when you may anticipate a final disposition.

When the investigation of your complaint has been completed, the Colonel will review the findings and you will receive a written explanation the final disposition of the matter.

Rev. 2/2000

Preface

Game Wardens are rarely asked to respond to hate/bias type crimes, however, situations sometimes arise where a Warden is in a position that makes his response a necessity. A Warden responding to a hate/bias complaint should take an assist posture if possible. Circumstances sometimes dictate, due to the remote location of the incident, that a Warden respond and investigate a hate/bias complaint. Due to this possibility, Wardens should make themselves familiar with and adhere to this policy.

I. POLICY

It is the policy of the Maine Warden Service to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background, or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. This agency will use every necessary resource rapidly and decisively to identify the perpetrators and refer them to the prosecutors office for appropriate action.

Also, recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the community and the agency, particular attention shall be given to addressing the security and related

concerns of the immediate victims, as well as their families and others affected by the crime.

It is the responsibility of each officer to be familiar with the "Maine Civil Rights Act", M.R.S.A. Title 5, Chapter 337-B.

II. PURPOSE:

This policy is designed to assist employees in identifying crimes motivated by bias toward an individual's race, religion, ethnic background and/or sexual orientation and to define appropriate steps for assisting victims and apprehending suspects.

III. DEFINITIONS:

- A. Hate Crime: Any unlawful action designed to frighten, harm, injure, intimidate, or harass an individual, in whole or in part, because of a bias motivation against the actual or perceived race, religion, ethnic background, or sexual orientation of the victim.
- B. Race: A group of persons who possesses common physical characteristics (e.g. color of skin, eyes and/or hair, facial features, etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind, (e.g., Arabs, Hispanics, etc.).
- C. Ethnic Group: A group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics, etc.).

- D. Religious Group: Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).
- E. Sexual Orientation: A sexual attraction toward, and responsiveness to, members of one's sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals, etc.).
- F. Bias Incident: Any event which does not rise to the level of conduct but creates a socially divisive atmosphere for members of the minority community targeted.
- G. Civil Rights Officer: A member of the department who has received special training in identifying and investigating civil rights violations by the Attorney General's Office. The Civil Rights Officer for the department may be identified by asking any supervisor.

IV. INITIAL RESPONSE PROCEDURES:

- A. Dispatcher Reporting: Whenever a dispatcher receives a call which falls in the category of a Civil Rights Violation, the dispatcher will advise the responding unit(s). Once the responding unit has made a confirmed determination that the incident is of a Civil Rights nature, the dispatcher will notify the shift supervisor of the situation.

- B. Officer Response Procedures: When a Game Warden at the scene of an incident believes that it may have been motivated by racial, religious, ethnic, or sexual orientation bias (RRES), the officer shall take any preliminary action necessary, such as:
1. Determine whether any perpetrators are present and, if so, take appropriate enforcement measures.
 2. Restore order to the crime scene and take any necessary actions to gain control of the situation.
 3. Identify any injured parties and take steps to provide medical assistance.
 4. Identify any witnesses or others who have knowledge of the crime.
 5. Protect the crime scene.
 6. Summons a field supervisor to the scene.
- C. Supervisor's Responsibilities: The supervisor shall confer with the initial responding officer, take measures to ensure that all necessary preliminary actions have been taken and appropriate additional personnel necessary to accomplish the following:
1. Provide immediate assistance to the crime victim such as:
 - a. Express empathy for the victim and show a sincere interest in his/her well-being.

- b. Express the Warden Service's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrators, and the officer's and department's interest in the victim's well-being.
 - c. Allow the victim a period in which to ventilate his/her immediate concerns and express his/her feelings.
 - d. Assist the victim in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, or family clergyman and community service agencies that provide shelter, food, clothing, child care, or other related services.
 - e. Provide security and precautionary advice to the victim and arrange for any additional security that may be required for protection of the victim.
2. Conduct a standard preliminary investigation to include preliminary interviews of the victim and any witnesses to the incident.

3. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as an RRES offense.

V. CIVIL RIGHTS OFFICER RESPONSIBILITIES:

- A. When responding to the scene of an alleged RRES incident, the Civil Rights Officer shall assume control of the follow-up investigation. This includes:
 1. Assure the scene is properly protected, preserved and processed, and all physical evidence of the incident is removed as soon as possible. If evident of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted to remove such material as soon as possible, and the officer shall follow-up to ensure that this is accomplished in a timely manner.
 2. Conduct a comprehensive interview with all the victims and witnesses at the scene, or as soon as possible thereafter, and canvass the neighborhood for additional personal sources of information.
 3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of

the offense, and its potential inflammatory and related impact on the community, including the Attorney General's Office at 207-626-8844.

4. Work closely with the District Attorney's office to ensure that a legally adequate case is developed for prosecution regardless of the perpetrator's motivation.
5. Coordinate the investigation with agency, state and regional intelligence operations. These sources shall provide the Civil Rights Officer with an analysis of any pattern, organized groups, and suspects potentially involved in the offense.
6. Coordinating the investigation with the identification and other units of the agency and with outside agencies where appropriate.
7. Maintain contact with the initial responding officer and keep him apprised of the status of the case.
8. Make a final determination as to whether the incident should be classified as an RRES crime.
9. Complete any reports necessary to comply with statistical reporting requirements for hate/bias crimes.

B. Civil Rights Officers shall also take the lead role in providing ongoing assistance to the crime victim to

include:

1. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
2. Provide ongoing information to the victim about the status of the criminal investigation.

A. Purpose

It shall be the policy of the Maine Warden Service to assist persons who are exhibiting symptoms of deviant behavior and appear to represent an imminent danger to themselves or to someone else.

B. Definitions

1. Deviant Behavior: Behavior which creates a condition, either physical or psychological in nature, which presents a threat of imminent and substantial harm to that person or to other persons.

C. Procedures

1. Whenever Wardens encounter deviant persons who represent an imminent and substantial harm to themselves or someone else, the Warden(s) shall be empowered, based upon probable cause, to take that person into protective custody consistent with M.R.S.A., Title 34B, Sec. 3862, and to present that person to a duly licensed physician or clinical psychologist, without undue delay, for purposes of evaluation and/or treatment.
2. If the deviant person taken into custody has committed a criminal act, the Warden, in conjunction with the duly licensed practitioner, shall determine the most appropriate confinement condition to satisfy the protection of the public and the treatment of the deviant person.

3. Protective custody of deviant persons shall be based upon probable cause on the part of the Warden and consistent with probable cause standards as defined by the L.E.O.M. (Chapter 1). Wardens may consider the totality of the circumstances to include: personal observation, reliable information from other sources and known prior history.
4. All Wardens are required to familiarize themselves with available options which exist in the areas of the State in which they patrol to include the techniques of referral which may range from informal referral to involuntary commitment.
5. Wardens who encounter situations of deviant behavior shall exercise their discretion and, if they take actions of a formal nature, shall document said actions in writing on a form designed or designated for such purpose by the Department.

A. Preface

Game Wardens are rarely asked to respond to domestic abuse crimes, however, situations sometimes arise where a Warden is in a position that makes his response a necessity. A Warden responding to a domestic abuse complaint should take an assist posture, if possible. Circumstances sometimes dictate, due to the remote location of the incident, that a Warden respond and investigate a domestic abuse complaint. Due to this possibility, Wardens should make themselves familiar with and adhere to this policy.

B. Purpose

Domestic abuse is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. Notwithstanding that difference, Game Wardens shall respond to domestic abuse as they respond to any crime. In certain situations, Wardens must arrest and in all others, Wardens should arrest and pursue criminal remedies appropriate to the crime that the Wardens have probable cause to believe the accused has committed. In recognition of the difference between domestic abuse and other crimes, however, law enforcement officers also should provide victims with special assistance and ensure that victims are informed of services available.

The purpose of the Maine Domestic Violence Statutes is to protect victims of domestic violence and their families or household members by allowing victims to obtain expeditious and effective protection

against further abuse; by reducing the abuser's access to the victim; by reducing incidents of abuse and fear of retaliation, loss of a child or loss of financial support; and by collecting data in the effort to develop a comprehensive analysis of the incidence and causes of that violence.

Other purposes and goals of this order are:

1. To reduce the incidence and severity of domestic abuse by establishing arrest and prosecution, rather than mediation, as the preferred means of law enforcement response to domestic violence.
2. To afford maximum protection and support victims of domestic abuse by communicating through the Department's and the Warden's behavior to the victim and the abuser that domestic abuse is a serious crime, and the laws against it will be vigorously enforced by the community. Further support will be provided through coordinated efforts between law enforcement and member agencies of the Maine Coalition for Family Crisis Services.
3. To ensure that law enforcement services are as available in domestic cases as they are in other criminal cases.
4. To reaffirm the Warden's authority and responsibility to make arrest decisions in accordance with established probable cause standards.

5. To promote Warden safety by ensuring that Wardens are as fully prepared as possible to respond to domestic calls.

6. To help reduce law enforcement resources consumed in responding to domestic violence by reducing the number of interventions required for any particular household.

C. Definitions

1. Domestic Abuse: The occurrence of the following acts between family or household members or by a family or household member upon a minor child of a family or household member:

a. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, Chapter 11, except that contact as described in Title 17-A, Section 106, Subsection 1, is excluded from this definition.

b. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing or tormenting behavior.

c. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain from.

d. Knowingly restricting substantially the movements of another person without that person's consent or other

lawful authority by: removing that person from that person's residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved.

e. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed.

2. Family or household members: Spouses or former spouses, individuals presently or formerly living together as spouses, natural parents of the same child, or adult household members related by consanguinity or affinity (blood or marriage) or individuals presently or formerly living together as sexual partners. Holding oneself out to be a spouse shall not be necessary to constitute "living as spouses."

3. Adults: Any person 18 years of age or older or any person under 18 years of age who is emancipated from the legal control of his parents or guardian.

D. Procedures

The appropriate laws governing DOMESTIC ABUSE can be found in 15, M.R.S.A., §§17-A M.R.S.A., §15 and 19 M.R.S.A., §§ 761-A et seq. The Maine Law Enforcement Officer's Manual also provides detailed analysis and guidelines for law enforcement officers in Chapter 26. Wardens should have a working knowledge of the information in these two references.

1. Dispatch (communication center) Responsibilities

Dispatchers should give domestic calls the highest priority classification. Whenever possible, the dispatcher should assign a back-up unit. The dispatcher receiving a domestic call should attempt to elicit from the caller and should communicate to the responding Warden as much of the following information, in the following order of importance, as time and the exigencies of the reported incident allow:

- a. The nature of the incident;
- b. The address of the incident, including the apartment number or the name of the business, as appropriate;

- c. A telephone number where the caller can be called back;
- d. Whether weapons are involved;
- e. Whether an ambulance is needed;
- f. Whether the suspect is present and, if not, the suspect's description, direction of flight, and mode of travel; and
- g. Whether children are at the scene.
- h. If the caller is the victim, the dispatcher should attempt to keep the caller on the telephone as long as possible and should tell the caller that help is on the way and when the caller can expect the Warden to arrive.
- i. If the caller is a witness to a domestic incident in progress, the dispatcher should keep the caller on the telephone and should relay ongoing information provided by the caller to the responding Warden.
- j. As soon as possible, the dispatcher should consult law enforcement records that indicate whether the parties involved in the incident have been involved previously in domestic incidents or that indicate whether there is a protection from abuse order involving the parties in effect and radio any relevant information to the responding Warden.

2. Patrol Responsibilities

The highest priority will be given to domestic calls. Wardens will respond immediately and coordinate their approach if more than one officer responds. Obtain all available information from the dispatcher before arriving at the scene.

a. Approaching the scene

(1) The Warden should avoid the use of sirens and emergency lights in the vicinity of the scene of the incident. Sirens and lights should be employed only when speed is essential.

Wardens should be alert to and note persons encountered while approaching the scene. If possible, a Warden should question any potential witnesses to the incident.

(2) The Warden should not park the Warden vehicle directly in front of the residence or other site of the disturbance. The Warden should be alert for assailants leaving the scene and for the use of weapons from doors, windows, or nearby vehicles.

(3) Consider the surroundings before knocking on a door; listen and look in any nearby window to obtain additional information about the

situation (layout of house, number of people involved, weapons).

(4) Wardens must be concerned for their own safety as well as the victim's. To minimize the possibility of injury, stand on the side of the door when knocking.

(5) The Warden otherwise should employ standard precautionary measures in approaching the scene of the incident.

(6) Identification: Identify oneself as a Warden by name, given an explanation of your presence, and request entry into the home. If the complainant is in the home, ask to see him or her. If the person who called the Warden is someone other than the subject of the call, the Warden should not reveal the caller's name.

b. Initial contact with occupant(s)

(1) Consent search: A Warden may enter and conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership of a place or thing, either one may

give a valid consent. A spouse can consent to the search of premises used jointly by both the husband and wife. This is also true if the occupants are cohabitants. However, if one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

(2) Refused entry: When refused entry to a residence, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, request the dispatcher to call the complainant to recontact the victim. If still refused entry, contact your supervisor and explain the situation. The supervisor or senior Warden on the scene will decide whether to remain or leave. If Wardens remain at the scene, they should move to public property (the street) and observe the premises.

(3) Forced entry: There may be times when enough probable cause exists to indicate that a felony is occurring, has just occurred, or that a life is in danger. In these cases, if entry is refused, or there is no reply from the premises, forced entry may be necessary to

protect a life or make an arrest. Among the circumstances that can provide probable cause to force an entry include cries for help, weapons displayed, obvious signs that a struggle occurred, and/or an eyewitness account that a felony occurred and the victim is still on the premises. Warden shall evaluate the following elements when considering a forced, warrantless entry:

(a) The degree or urgency involved and the time required to get a warrant.

(b) The possibility of danger to others, including Wardens left to guard the site.

(c) Whether the suspected offense involved violence.

(d) Whether Wardens reasonably believe that persons may be armed.

c. Once inside, the responding Warden should establish control by:

(1) Identifying potential weapons in the surroundings.

(2) Separating the victim and the abuser.

(3) Restraining the abuser, if necessary, and removing the abuser to the patrol car if

immediate arrest is warranted.

(4) Inquiring about the nature of the incident.

(5) Identifying all occupants/witnesses on the premises.

(6) Separating occupants/witnesses from the victim and accused and keeping them out of hearing range (to avoid compromising their witness status).

(7) Wardens must protect the victim from further abuse. Separate from abuser, administer first aid, and arrange for medical attention if victim is hurt. Victims can sustain internal injuries to the stomach, breast area, portions of the head covered by hair, and the back.

Pregnant women are often hit or kicked in the stomach. The absence of external injury does not mean the victim has not been assaulted.

(8) If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatments.

3. On-scene investigation

a. The responding Warden should interview the victim and the abuser as fully as

circumstances allow. The Warden should be alert to possible incriminating statements.

b. The Warden should ensure the victim's safety and privacy by interviewing the victim in an area apart from the assailant, witnesses, and bystanders. In questioning the victim, the Warden should use supportive interview techniques. Critical to the success of the interview is the Warden's manner. Domestic abuse is a serious crime and the Warden's behavior can communicate this fact to both the victim and the abuser by his or her behavior at the scene. Wardens must show interest through effective listening and remain aware of non-verbal communication signals. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance, along with appropriate facial and head movements, demonstrates interest and encourages the victim to continue speaking.

c. Allow the parties to describe the incident individually without interruption at the

beginning of the interview. While still separated, the Warden(s) should ask details about points for clarification and summarize the stated accounts, allowing the parties to point out anything that may be misrepresented.

d. The Warden should ask the victim about previous domestic incidents, their frequency and severity. The Warden should not tell the victim what action he/she intends to take until all available information has been collected.

e. If the accused has been arrested prior to interview, the accused must be given Miranda warnings before being questioned. If the accused has fled the scene, the Warden should solicit information as to the possible whereabouts of the accused (place of employment, relatives, friends, etc.).

f. If the dispatcher has not advised the Warden of the existence of a protection from abuse order, the Warden should ask the victim whether there is such an order, if so, if the victim can produce a copy and what law enforcement department might have a copy. The Warden should contact the department specified

by the victim to verify the existence and effective period of the order. The Warden should note carefully the restrictions imposed by the order so that the Warden may determine whether there is probable cause to believe that the order has been violated.

g. The Warden should interview any witnesses as fully and as soon as circumstances allow. If witnesses provide information about prior incidents, the Warden should document such incidents to establish a pattern.

h. Children of disputants should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma and apparent healing of abuse wounds should be noted.

4. Gathering evidence

a. Physical evidence takes three forms in domestic abuse cases: the injuries of the victim, evidentiary articles that substantiate the attack, and the crime scene itself.

b. Victim's account of injuries sustained can be corroborated by a medical examination.

c. The investigating Warden will see that

photographs are taken of visible injuries on the victim and make those photographs available for prosecution.

d. Photographing the crime scene to show that a struggle occurred is preferred; if not possible, make a written description of it.

e. All articles of evidence should be collected as in other investigations.

f. An audio tape recording of the scene upon arrival is recommended.

5. The Arrest Decision

a. The responding Warden should arrest the abuser whenever arrest is authorized. If the Warden decides not to arrest, the Warden must include in his report of the incident a detailed explanation of the reasons why an arrest was not made.

b. Under current Maine law, arrest is mandatory if there is probable cause to believe that there is a violation of a court approved protective order or consent decree or that the abuser has committed aggravated assault.

c. A warrantless arrest is authorized by 17-A

M.R.S.A. §15 if a Warden has probable cause to believe a person has committed or is committing:

(1) Murder;

(2) Any Class A, B or C crime;

(3) Assault, if the Warden reasonably believes that the person may cause injury to others unless immediately arrested;

(4) Assault, criminal threatening, terrorizing or reckless conduct, if the Warden reasonably believes that the person and the victim are family or household members.

(5) Any person who has committed in the Warden's presence any Class D or Class E crime.

(6) Violation of a condition of release in violation of Title 15, Section 1026, subsection 3 (preconviction bail) and Section 1051, subsection 2 (post conviction bail).

(7) A warrantless arrest is authorized by 19 M.R.S.A. §769(2) if the Warden has probable cause to believe that a person

violated a protective order or consent decree if the person has actual notice of said order or decree whether or not the crime is committed in the Warden's presence.

(8) A warrantless arrest is authorized by 15 M.R.S.A. §321(6) if the Warden has probable cause to believe that a person has violated an order issued pursuant to 15 M.R.S.A. §321(2) as a condition of release whether or not the crime was committed in the Warden's presence.

(9) The Warden should not consider the following factors in making the arrest decision:

- (a) The marital status of the parties.
- (b) The ownership or tenancy rights of either party.
- (c) Verbal assurances that the violence will stop.
- (d) A claim by the accused that the victim provoked or perpetuated the violence.
- (e) Denial by either party that the abuse

occurred when there is evidence of domestic violence.

(f) Speculation that the victim will not follow through or cooperate with criminal prosecution (whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution, or any other factor).

(g) The disposition of any previous Warden calls involving the same victim or accused.

(h) Speculation that the arrest may not lead to a conviction.

(i) Intoxication of either of the parties.

(j) The existence or not of a current protection from abuse order (except insofar as the violation of such an order would require arrest). No action by the Plaintiff in a civil Order for Protection of Abuse can void or vacate that order, can limit its force of effect, or can in any way change or reduce the enforcement responsibilities of Wardens. A civil Order for Protection from Abuse can only be voided or vacated by a judge after either

the plaintiff or the defendant requests a hearing and provides evidence as to why the order should be voided or vacated. No action by the Plaintiff in a civil Order for Protection from Abuse can be a criminal violation of that order. A civil Order for Protection from Abuse places conditions with criminal sanctions on actions by the Defendant, not the Plaintiff.

(k) The victim's emotional state.

(l) Concern about reprisals against the victim.

(m) Adverse financial consequences that might result from the arrest.

(n) That the incident occurred in a private place.

(o) The racial, cultural, social political, or professional position, or the sexual orientation, of either the victim or the accused.

(10) It is the Warden's responsibility to decide whether an arrest should be made. The Warden, therefore, should not consider the victim's opposition to arrest and should emphasize to the

victim, and to the accused as well, that the criminal action thus initiated is the State's action, not the victim's action.

(11) If the Warden arrests for the commission of a crime, the Warden should confiscate all weapons used or threatened to be used in the commission of the crime, and such weapons should be held as evidence for prosecution.

6. Effecting the Arrest

a. The responding Warden should take the accused into custody as soon as the Warden determines that a warrantless arrest is appropriate. If the suspect has fled the scene, the Warden should initiate procedures to pursue and apprehend the accused as promptly as possible, since the risk is high in domestic violence cases that the accused will return to the victim's residence or the scene of the violence. If a warrant is necessary, the Warden should obtain and execute the warrant as soon as practical.

b. If a Warden has reasonable grounds to believe, based upon his personal observation, that a person may be mentally ill and that due to his condition he presents a threat of imminent and substantial physical harm to himself or to other persons, the Warden:

(1) May take the person into protective custody.

(2) If the Warden 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. §3863.

7. Other On-scene Assistance to Victims and Dependents

a. Maine law provides that whenever a law enforcement Warden has reason to believe that a family or household member has been abused, the Warden shall immediately use all reasonable means to prevent further abuse, including:

(1) Remaining on the scene as long as he reasonably believes there is a danger to the physical safety of that person without the presence of a law enforcement officer, including, but not limited to, staying in the dwelling unit.

(2) Assisting that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital.

(3) Giving that person immediate and adequate written notice of his rights, which shall include information summarizing the procedures and relief available to victims of the family or household abuse.

(4) Arresting the abusing party with or without a warrant pursuant to Sections 769 and Title 17-A, Section 15.

b. Other procedures that will facilitate effective prosecution and ensure the safety of victims of domestic abuse include:

(1) Advise the victim of what procedure will happen next, including the probability that the accused will be in custody for only a short period of time.

(2) Obtain the address and telephone number where the victim can be contacted if the victim decides to leave the residence (being careful that the accused cannot overhear).

(3) Obtain from the victim information to be included in the arrest report indicating any special conditions of bail that should be requested at the preliminary arraignment.

(4) Provide the victim with the Warden incident

number (if available), the Warden's name and badge number, and a follow-up telephone number and time when the appropriate Warden can be reached.

(5) Advise the victim of the name and number of the nearest domestic violence hot line. Wardens should have domestic violence project cards on hand for this purpose.

c. If the victim does not speak English, the Warden should arrange for translation of the foregoing notices and advice.

d. In circumstances in which it is necessary for the victim temporarily to leave the residence, the Warden should offer the victim assistance in locating lodging with family, friends, in public accommodations, or at a domestic violence shelter/safe homes.

e. Advise the victim(s) of the availability of Temporary Protection from Abuse Orders and where they can be obtained. Advise the victim(s) that transportation is available to a court or person authorized to issue such Protection from Abuse Orders.

f. Once an Order for Protection from Abuse Order has been issued, whether temporary or permanent, and once the Warden is aware of this order, it shall be his/her

duty to serve or cause to be served such order in a timely and expeditious manner.

8. Elderly Victims

If a Warden, acting in a professional capacity suspects that an adult has been abused, neglected or exploited and has reason to believe that the adult is incapacitated (impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person), the Warden shall immediately report or cause a report to be made to the Department of Human Services.

9. Child Victims and Dependents

a. When a Warden acting in a professional capacity knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, the Warden shall report or cause a report to be made to the Department of Human Services.

b. If the accused is arrested and was the sole caretaker of a child, and/or if the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), the Warden should contact child protective services and remain at the residence until a protective

services worker arrives or should take the child into custody pursuant to the Juvenile Code.

10. Processing the Accused

a. A person arrested without a warrant for domestic abuse crimes should be charged with any other crimes properly charged as a result of the incident.

Likewise, a person arrested for violation of a protection from abuse order should be charged with any other crimes properly charged as a result of the incident in which the violation occurred.

b. The Warden responsible for processing the accused for preliminary arraignment should bring to the attention of the district attorney or the court or bail commissioner any circumstances noted in the arrest report or known to the Warden that argue for special conditions of bail authorized by 15 M.R.S.A. §321 or 1026. Such conditions may include, but are not limited to: enjoining the defendant from abusing, harassing, or intimidating the victim; excluding the defendant from the home, school, and/or workplace of the victim; enjoining the defendant from contacting the victim in person or by telephone; and restraining the defendant from contact that will prevent the

victim from performing the victim's normal daily activities.

11. Encouraging Follow-through by Victims

a. The Warden handling the incident should ensure that the victim is notified of any conditions of bail imposed and the victim is advised who to contact if a violation occurs. This may be done by arrangement with another department if the investigation is turned over to them.

b. The Warden should also make sure that follow-up contact with the victims of domestic incidents is made by a Warden or member of the department the investigation is turned over to. The contact should be made within 30 days following the incident to determine whether subsequent violence or intimidation have occurred. The department should document such follow-up and include the information with the original report. If such acts have occurred, the department should investigate the incident, proceeding in accordance with the provisions of this policy.

12. Written Report and Data Collection

a. A written report clearly identified as a domestic incident report must be completed by the Warden responding to any call covered by this policy. The

report should include the following information:

(1) Names, addresses, and phone numbers of the victim, the accused, any witnesses, and the caller.

(2) A second permanent address and telephone number for the victim (such as a close family member or a friend).

(3) A statement of the relationship between the victim and the accused.

(4) A narrative of the incident (including the date, time, and whether the accused appeared intoxicated or under the influence of a controlled substance).

(5) What, if any, weapons were used or threatened to be used.

(6) A description of any injuries observed by the Warden.

(7) A description of any injuries described by the victim but not observed by the Warden and an indication that the injury was not observed.

(8) Documentation of any evidence that would tend to establish that a crime was committed.

(9) An indication of what arrest decision was made; a warrantless arrest; an arrest with a

warrant; or no arrest.

(10) Whether the accused actually was arrested or whether there is an outstanding arrest warrant.

(11) The crimes with which the accused was charged.

(12) If the accused was arrested and arraigned, whether bail was set and any conditions of bail imposed.

(13) If the Warden did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reasons for the Warden's decision not to arrest.

(14) The names and ages of any children present in the household; their address and phone number if children were relocated.

(15) Notation of previous incidents reported to the Department.

(16) Notation of previous incidents reported by the victim or witnesses.

(17) If a Warden was injured in the incident, the nature and circumstances of injury.

b. Data Collection

A copy of all reports and data collected by Wardens will be turned over to the police department normally having jurisdiction over domestic abuse crimes in the area. The Warden should check that the department follows these guidelines:

- (1) All written reports on the same person should be kept together or cross-referenced so that repeat domestic violence can be monitored.
- (2) The written report, or another document (such as an index card) or computer entry generated from the written report, should become a domestic violence tracking report.
- (3) To the extent possible, the domestic violence tracking report should be accessible to dispatchers and law enforcement officers.

A. Purpose

In hostage/barricaded subject situations, it shall be the policy of this law enforcement agency to protect as much as possible the lives of the hostages, civilians and officers. Reasonable efforts will be made to enhance the prospects of peacefully resolving the incident through communication with the suspect whenever possible and develop and maintain the ability to use alternative approaches to resolve the incident should communications fail. In hostage situations, a reasonable effort to effect the safe release of the hostages will be undertaken. Officers shall work in ways which minimize the use of force and, when force is required, shall use the minimum amount of force necessary to accomplish the legal purpose. This policy provides general guidelines for Wardens who encounter hostage/barricaded subject situations.

B. Definitions

1. Barricaded Subject: Any individual who is reasonably believed to be a threat to commit serious bodily injury to anyone in the community and who is in a stronghold position.
2. Hostage: Any person held by another against his/her will by force or threat of force, expressed or implied.

3. Barricaded Incident: Any situation in which a person, while in a place of cover and who is believed to be armed, resists being taken into custody to include armed persons threatening suicide.
4. Command Post: A secure position from which the OIC directs the operation.
5. Containment: The isolation of the barricaded person to minimize the possibility of escape and/or the injury to any other person.
6. Crisis Negotiator: Any person who is authorized by the OIC to act as the chief negotiator for the department by communicating with the barricaded subjects or hostages.
7. Inner Perimeter: The immediate area of containment.
8. Officer-in-Charge (OIC): The highest ranking officer at the scene until specifically relieved by a superior who is authorized to assume command of the situation.
9. Outer Perimeter: The central area surrounding the inner perimeter providing a safe zone for access to the inner perimeter as well as defining the limit of access by unauthorized persons.

C. Procedures

1. All officers are responsible for being familiar with Title 17A, Section 15, Section 107 and all other

applicable statutes and pertinent chapters of the Maine Law Enforcement Officers Manual as it pertains to the use of force.

2. Wardens confronting hostage/barricaded subject incidents shall not initiate tactical actions other than those necessary to protect the lives and safety of themselves or others consistent with the use of force policy. Upon stabilizing the incident, Wardens shall then:
 - a. Notify a supervisor of the incident and circumstances.
 - b. Notify the appropriate police agency who will handle the incident, i.e., State Police, city police, etc.
 - c. Contain and isolate the scene by establishing an inner containment perimeter to provide a reasonable degree of safety.
 - d. Maintain contact with the incident scene and, if time and resources permit, establish an outer perimeter to control pedestrian and vehicular traffic into the area.
3. Whenever possible, officers at the scene should evacuate occupants of affected residences and businesses to a point beyond the outer perimeter.

- a. Record the name and address of anyone who refuses to evacuate after being warned of the potential hazards.
 - b. Do not allow friends, relatives, or other interested persons to enter the location.
4. A command post should be established:
 - a. Outside the suspect's line of fire and sight.
 - b. To obtain the use of one or more telephone lines.
 - c. In an area large enough to accommodate responding personnel and vehicles.
 5. The Warden Service OIC will insure that the appropriate agency is responding to handle the incident, and may request a tactical/hostage team and other appropriate forms of support services. Once the appropriate agency arrives, Wardens will assist them in any way possible.
 6. The Warden Service OIC will, until replaced by an OIC from the responding agency, insure that the following needs are met by Warden Service personnel or by another agency handling the incident:
 - a. Communications with other agencies;
 - b. Establishment of inner and outer perimeters;
 - c. Evacuation of personnel in the affected area;
 - d. Establishment of a central command post and appropriate chain of command;

- e. Requests for support services, including insuring that emergency medical services are available at the site;
- f. Establishment of a staging area;
- g. Establishment of a media briefing area;
- h. Gathering of intelligence about the suspect, hostages and situation.
- i. Briefing and review after the resolution of the incident.

A. Purpose

This policy ensures cooperation with the news media within legal guidelines regarding the release of information.

B. General Operation and Management

Information pertaining to the general operation and/or management of the Maine Warden Service shall only be given to the news media by those holding the rank of Lieutenant or above.

C. Release of Information About Investigations

1. Before an Arrest or the issuance of a summons when a criminal investigation is in progress, the following may be released:
 - a. That a crime is believed to have been committed and the crime described.
 - b. Known and pertinent facts relating to the crime itself such as name, age, sex, of victim, except there will be no release of identity of the deceased until notification of next of kin has been done, unless cleared through the Colonel or Attorney General designee. Also, the release of the name of a rape victim is discouraged and should not be volunteered.
 - c. The fact that an investigation exists, the identity of the investigating agency and the specific locality of the investigation.

2. Before an Arrest or the issuance of a summons during a pending investigation, it is considered prejudicial:
 - a. To reveal the identity of the suspect prior to issuance of summons or warrant or prior to arrest if no warrant, except to the extent necessary to assist in the apprehension of the suspect and to warn the public of any danger.
 - b. To reveal the details of investigative procedures or speculate upon any matters which are not actually known.
3. After an Arrest or issuance of a summons has taken place, the following may be released:
 - a. Identity: Name, age, residence, occupation and family status except the names of juveniles involved.
 - b. Nature of the charge.
 - c. Nature of the crime.
 - d. Circumstances of arrest.
 - e. Identity of the victim, except as outlined in 1 b. above.
4. After an Arrest or summons has been issued, release of the following may be considered prejudicial to impending court action (Shepard vs. Maxwell, 384 U. S. 333, 1966):

- a. The character or reputation of the defendant.
 - b. The existence or contents of any confession, admission or statement given by the defendant or his refusal or failure to make any such statement, admission or confession.
 - c. The performance of any examinations or tests or the defendant's refusal or failure to submit to any examination or tests (blood, polygraph, etc.).
 - d. The identity of witnesses.
 - e. The possibility of a plea of guilty to the offense charged or a lesser charge.
 - f. The defendant's guilt or innocence or other matters relating to the merits of the case or of the evidence.
 - g. Statements regarding identity, testimony, or credibility of prospective witnesses.
5. The following procedure will be followed as circumstances permit:
- a. The Department Media Coordinator will be notified by the Warden in charge or his delegate as soon as possible of any significant incidents involving Warden Service, and the Media Coordinator will be responsible for disseminating information about the incident to the media.

- b. The Warden in charge at scenes will be responsible for providing information to the media at the scene, or he may delegate another Warden to do so. Good relations with the media and public are essential to the operation of Warden Service, thus Wardens are encouraged to help the media gain the proper information about Warden Service activities within the constraints of this policy and their good judgment.
- c. Media personnel shall not be invited into private premises without the consent of the person in charge of the premises. Media personnel cannot accompany officers on a search warrant unless they are named in the warrant as expert witnesses.
- d. The news media shall not be permitted into a crime scene or disaster area without the prior approval of the person in charge of the scene and in accordance with "c" above. In those circumstances where the general public has been denied access to an area on the basis of safety, photographers or reporters may be granted access after first being cautioned of the risks, and after the officer has received acknowledgment that the journalist understands the risks.

- e. Denial of access to crime scenes is sometimes necessary to an investigation because of crime scene processing or the collection of evidence. The reasons for such a denial should be explained to the journalist, and access granted as soon as practicable under the conditions.
- f. Whenever possible, all media releases should be cleared and coordinated with the District Attorney who will be prosecuting the case.