

GENERAL ORDER

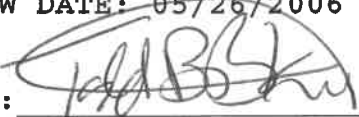
SUBJECT: SEX OFFENDER COMMUNITY
NOTIFICATION

Number: 2-23

EFFECTIVE DATE: 06/01/06

REVIEW DATE: 05/26/2006

AMENDS/SUPERSEDES: All Previous

APPROVED BY: 
Sheriff Todd B. Brackett

I. POLICY:

The Lincoln County Sheriff's Office recognizes the necessity of maintaining the delicate balance between governmental interests and individual rights of the offender and the public's right to or interest in accessing this type of public information in a free society. To simultaneously address and properly balance these interests and rights requires all members of this agency to adhere to the following guidelines. It is the policy of this agency to comply with the Sex Offender Registration and Notification Act, 34-A M.R.S.A. Chapter 15, including its provisions related to public notification of registered sex offenders in the community.

II. PURPOSE:

To establish guidelines for the purpose of public notification of registered sex offenders in the community and the appropriate level of that notification based on the nature of the sex offender's conviction and the facts that were proved or admitted in relation to that conviction.

III. DEFINITIONS:

- A. Another State: Means each of the 50 states except Maine, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.
34-A M.R.S.A. § 11203(1-C).
- B. Bureau: The State Bureau of Identification of the Maine State Police.
- C. Domicile: The place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile. 34-A M.R.S.A. § 11203(2).

- D. Law Enforcement Agency Having Jurisdiction: The Sheriff of the County where a registrant is to be domiciled, unless that municipality has a Police Chief. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.
34-A M.R.S.A. § 11203(4).
- E. Lifetime Registrant: A person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of: (1) a Sexually Violent Offense; or (2) a sex offense when the person has a prior conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense. Prior conviction means a conviction that occurred at any time. More than one conviction may occur on the same day. Multiple convictions that result from or are connected with the same act or that result from offenses committed at the same time are considered one conviction unless the offenses were committed against more than one victim. 34-A M.R.S.A. § 11203(8).
- F. Residence: Means that place or those places, other than a domicile, in which a person may spend time living, residing or dwelling. 34-A M.R.S.A. § 11203(4-D).
- G. Safe Children Zone: On or within 1000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed pursuant to 22 M.R.S.A. § 8301-A. 17-A M.R.S.A. § 251 (1)(F).
- H. Sentence: Means in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of mental disease or defect or similar verdict in another jurisdiction.
34-A M.R.S.A. § 11203(4-B).
- I. Sexual Act: Means:
1. Any act between two persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other;

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General Order

2-27 EXECUTION of SEARCH WARRANTS

Effective Date: 12/20/2021
Revised: 12/20/2021
Amends/Supersedes: All Previous
Approved by: Sheriff Todd B. Brackett



I. POLICY

The Fourth Amendment to the United States Constitution protects our citizens from unreasonable searches and seizures. It requires no warrant be issued without probable cause, supported by oath or affirmation and describing the place to be searched and persons, or things to be seized.

All members of the Lincoln County Sheriff's Office shall adhere to this edict and enhance its compliance by respecting the constitutional rights of the person(s) upon whom the warrant is served. In all search warrant situations deputies will minimize the level of intrusion experienced by those who are having their premises searched and provide for the safety for all persons concerned. Deputies will establish a record of the warrant execution process including any person(s) or item(s) seized.

The Sheriff's Office provides techniques for all deputy sheriffs to accomplish a thorough and legal search, through training and coordination of warrant execution with the prosecutor's office involved in the warrant preparation and review process. No member of the Lincoln County Sheriff's Office shall execute or participate in an unannounced (no knock) search warrant unless there is a valid exemption (Sec IV-C below), that is reviewed by the prosecutor and approved by the court. BOT 14-1, 14-9

II. PURPOSE

This general order policy establishes procedures for obtaining and executing search warrants. It facilitates a coordinated, efficient system for obtaining and executing search warrants ensuring all searches are conducted within legal parameters. This policy is not intended to describe or establish legal requirements concerning search warrants. Those matters should be discussed with and handled by the District Attorney's Office or by the prosecuting authority with jurisdiction.

III. DEFINITIONS

Entry Team: Members of the search team who make the initial entry into the premise during a warrant execution.

Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.

warrant and the purpose for which the warrant was issued. Any warrant is an unannounced warrant if it is executed without waiting for at least 20 seconds after the announcement of authority and purpose before making entry. BOT 14-7

IV. PROCEDURES:

- A. Probable cause MLEAP 7.08 (A)
- Any deputy wishing to obtain a search warrant or specific search warrant shall discuss, verbally or by written report, with the deputy's immediate supervisor the facts and information that the deputy believes establishes probable cause for such a warrant. Before applying for a search warrant, the immediate supervisor and/or a superior officer shall approve seeking a search warrant or specific search warrant.
- B. Obtaining the warrant MLEAP 7.08 (A)
- It shall be the responsibility of the primary deputy to obtain the search warrant or specific search warrant from a magistrate authorized to issue a warrant.
- C. Execution of Search Warrants and Specific Search Warrants MLEAP 7.08 (B)

1. Unannounced (no-knock) warrants are ONLY authorized if the following criteria are met and do NOT include specific search warrants:

- a. The warrant clearly states that providing notice or purpose prior to the execution of the warrant creates an imminent risk of death or bodily harm to an individual(s) in the location named in the warrant, an individual(s) in the surrounding area(s) of that location, or a member of the search team. BOT 14-2
- b. A recognized exception to the requirement for a search warrant exists including, but not limited to, exigent circumstances. BOT 14-2 (b)

2. The existence of imminent risk of death or bodily harm under the exception to the prohibition against an unannounced search warrant must be reviewed and verified by the prosecutor and the warrant's issuing magistrate. BOT 14-3

3. A full-time deputy certified under 25 M.R.S. § 2804-C shall be responsible for the direction, oversight, and control of the execution of any search warrant, except that a specific search warrant may be executed by a part-time deputy sheriff provided all requirements of this policy are met. BOT 14-8

4. Body Worn Cameras, if available and or operational, are mandated to record the execution of any search warrant, except a specific search warrant unless required by a supervisor, and will be worn in accordance to Sheriff's Office policy 2-17. BOT 14-5, BOT 14-4 (b)(c)

5. The primary deputy shall advise and receive approval from the deputy's supervisor before executing or assisting another agency with the execution of a

3. When an imminent risk of death or bodily harm exists, only deputies trained in the use of stun grenades, stun, distraction, or other similar devices may use such a device during the execution of a search warrant. **BOT 14-6**

2. The search team shall position themselves in accordance with the execution plan.

1. If advance surveillance personnel are at the search site, radio contact shall be made to ensure that the warrant can be executed according to plan.

(This section applies to physical execution of search warrants in general and only applies to the execution of specific search warrants when directed by a supervisor.)

D. Entry Procedures:

9. This subsection applies to search warrants in general and only applies to specific search warrants when directed by a supervisor. The entry team shall include uniformed officers who shall be conspicuously present when the warrant is executed. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of office. **BOT 14-4 (a)**

h. Procedures for exiting the location under emergency conditions.

g. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications, or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.

f. If the execution is a joint agency operation, all officers participating in the warrant execution shall be present and identified as members of the search team.

e. Personnel, resources, or armament necessary for gaining entry, safety, and security of search team and all involved (civilian or otherwise), or for conducting the search.

d. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.

c. Descriptions of suspects and other occupants (if known) who may be present at the location, incorporating photos whenever possible with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects.

shall be made to guard the premises until the premises can be properly secured.

6. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage shall be taken.

7. If items are seized, an itemized inventory shall be provided to the resident/occupant or responsible party (i.e. bank/ hospital etc.), or in the absence of the same, left in a conspicuous location at the site or with a responsible party.

8. In a timely manner upon conclusion of the warrant execution, the primary deputy and tactical coordinator shall conduct a debriefing of all participating officers.

9. The primary deputy shall prepare and submit an after-action report on the warrant execution, results of actions taken, and recommendations for further investigative actions to the Sheriff or his/her designee.

G. Return of Warrant MLEAP 7.08

After execution of the search or specific warrant, the original warrant and affidavit shall be delivered to the Clerk of Courts with jurisdiction. The documents, including an inventory list, if any, shall be properly completed. The documents are returnable to the court immediately following execution whether or not items were seized in the search. Search warrants must be executed and returned within fourteen (14) calendar days of issuance, unless otherwise exempted by the issuing court.

OPERATIONAL PLAN

ADMINISTRATIVE DATA

Incident #: _____ Date: _____ Time: _____

Case Agent: _____ Threat Assessment or Warrant Service Risk #: _____

Agency Jurisdiction: _____ Notified: _____

Undercover Agent(s) or CI Involved: _____ Identify UC and/or CI: _____

UC or CI Vehicle Description: _____ UC or CI Plate #: _____ UC or CI Cellular #: _____

Nearest Hospital: _____

Supervisor's Review Date & Time: _____ On-Scene: _____

Division Commander Review Date & Time: (Required for Elevated Risk & Unusual Circumstances)

BACKGROUND

A. Type of Operation

Surveillance
 U/C Purchase
 Arrest
 Search Warrant
 Other (Identify)

B. Location(s): (include address, description, also include directions from briefing location)

C. Type of Drug / Amount of Money: _____ D. Flash Roll: _____ Amount of money: _____

E. Suspect(s) & Vehicle(s): (include name, age, race, sex, description, address, prior criminal background (SBI, NCIC III))

Suspect #1 Name: _____ Vehicle Year: _____ Make: _____ Model: _____ Color: _____ Registration State & #: _____

Suspect #2 Name: _____ Vehicle Year: _____ Make: _____ Model: _____ Color: _____ Registration State & #: _____

Suspect #3 Name: _____ Vehicle Year: _____ Make: _____ Model: _____ Color: _____ Registration State & #: _____

F. Weapon(s): _____ Describe: _____

G. Counter Surveillance Suspected: _____ Describe: _____

PERSONNEL ASSIGNMENTS

Team Leader: _____ Call Sign: _____ Cellular #: _____ Vehicle: _____

Air Support: _____ Call Sign: _____

Yes No

OPERATIONAL PLAN (CONT.)

OPERATIONAL CHECKLIST (Reminder for Planning Purposes Only):

Have the following factors been adequately considered? Is everyone needing to know, fully aware, and informed about them? (not in priority order)

- Adequate Plans
- Adequate Communications
- Alternative Tactics
- Ambulance, Fire Department
- Arrest Signals
- Basic Load
- Booby Traps
- Briefings
- Command Advised/Notified
- Communications
- Community Support
- Crossfire
- Destruction of Evidence
- Diagrams
- Direction of Door Swing—In or Out
- District Attorney
- Diversion
- Evacuation
- Evidence Processing Methods/Assignments
- Exact Location Certain
- Expected Outcome
- Explosives/Hazardous Materials
- Financial Costs
- Fire Extinguisher
- Flash Bangs
- Flashlights
- Floor Plans
- Fortifications/Barricades—Entry Locations
- Goal of Operation Clear
- Hostage Negotiators
- Informant Involvement
- Informant Reliability
- Innocent Companions, Spouses, Children
- Intelligence Involved
- Jurisdiction Advised/Involved
- Knock and Announce
- Legal Advisor
- Level of Force
- Level of Crime—Felony/Misdemeanor
- Liability
- Location of Evidence