

**Lincoln County Sheriff's Office
Manual of Standard Operating Guidelines**

General Order

2-10 Domestic Violence

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Amends/Supersedes: 12/03/2003

Approved By:  Sheriff Todd B. Brackett

I. POLICY:

The Lincoln County Sheriff's Office maintains that the nature and seriousness of crimes committed between family or household members are not mitigated solely because of the relationships or living arrangements of those involved. It is the policy of this agency that domestic abuse be treated with the same consideration as violence in any other enforcement context.

It is also the policy of this agency that deputies take steps to properly investigate, identify predominant aggressors, and combine the use of appropriate community services with enforcement of the law in an effort to: (1) break the cycle of domestic abuse by preventing future incidents or reducing the frequency and/or seriousness of such incidents, (2) protect victims of domestic abuse and provide them with support, and (3) promote officer safety when dealing with domestic abuse situations.

The Lincoln County Sheriff's Office also recognizes that no one is immune from incidents of domestic abuse, including law enforcement. As part of this policy, this agency will take a proactive approach when dealing with any domestic abuse committed by our employees or members of any other law enforcement agency.

This policy is mandated by statute, and requires deputies adherence to it as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.¹

II. PURPOSE:

The purpose of this policy is to provide a consistent process for dealing with domestic abuse and to prescribe a preliminary course of action that deputies should take in response to domestic abuse incidents.

¹ 25 M.R.S. § 2803-B

III. DEFINITIONS:

- A. Adult: Means any person 18 years of age or older or a person under 18 years of age who is emancipated pursuant to Title 15, section 3506-A.²
- B. Abuse: Means the occurrence of the following acts between family or household members or dating partners or by a family or household member or dating partner upon a minor child of a family or household member:
1. 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, (physical force by persons with special responsibilities) is excluded from this definition.
 2. 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.
 3. 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 or to abstain from conduct in which the person has a right to engage.
 4. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:
 - a. Removing that person from that person's residence, place of business or school;
 - b. Moving that person a substantial distance from the vicinity where that person was found; or
 - c. 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.
 5. 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; or
 6. Repeatedly and without reasonable cause:
 - a. Following the plaintiff; or

² 19-A M.R.S. § 4002 (2)

- b. Being at or in the vicinity of the plaintiff's home, school, business or place of employment.³
- C. **Confidential Communications:** Means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. Confidential communications includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.⁴
- D. **Dating Partners:** Means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.⁵
- E. **Domestic Partners:** Means two unmarried adults who are domiciled together under long term arrangements that evidences a commitment to remain responsible indefinitely for each other's welfare.⁶
- F. **Domestic Violence Crimes:** Means crimes that include domestic violence assault⁷; domestic violence criminal threatening⁸; domestic violence terrorizing⁹; domestic violence stalking¹⁰, and; domestic violence reckless conduct¹¹.
- G. **Domestic Abuse Advocate:** Means an employee of or volunteer for a nongovernmental program for victims of domestic or family violence who:
1. Has undergone at least 30 hours of training; and
 2. As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.¹²
 3. Domestic Abuse Advocates also includes Tribal Domestic Abuse Advocates.
- H. **Family or Household Members:** Means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity (blood or marriage) or minor children of a household member when the offender is an adult household member. Holding oneself out to be a spouse shall not be necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" has the same meaning as in Title 18_A, § 1-201, subsection (10-A).¹³

³ 19-A M.R.S. § 4002 (1)

⁴ 16 M.R.S. § 53-B (1)(A-1)

⁵ 19-A M.R.S. § 4002 (3-A)

⁶ 18-A M.R.S. § 1-201, sub 10-A.

⁷ 17-A M.R.S. § 207-A

⁸ 17-A M.R.S. § 209-A

⁹ 17-A M.R.S. § 210-B

¹⁰ 17-A M.R.S. § 210-C

¹¹ 17-A M.R.S. § 211-A

¹² 16 M.R.S. § 53-B (1)(A)

¹³ 15 M.R.S. § 321-1

- I. Law Enforcement Agency Employee: Means all sworn and non-sworn members of this agency.
- J. Predominant Aggressor: Means the person who is most responsible for the abuse, uses the higher level of abuse, has an established history of abuse in the relationship, and who represents the more serious present threat of abuse, when both parties have committed some sort of abuse towards each other.
- K. Risk Assessment: Means a procedure whereby we measure some characteristics of a person or situation and then use that information to predict the likelihood of some negative event, i.e. re-abuse for example, as measured by re-arrest.¹⁴
- L. Self-defense: Means a person is justified in using a reasonable degree of physical force upon another person in order to defend himself or a third party from what he reasonably believes to be the imminent use of unlawful force.¹⁵
- M. Strangulation: Means the intentional impeding of the breathing or circulation of the blood of another person by applying pressure on a person's throat or neck.¹⁶

IV. PROCEDURES:

- A. General: Deputies are responsible for being familiar with the applicable statutes of Chapter 12-A of Title 15 M.R.S., Chapter 101 of Title 19-A M.R.S., and § 15 of M.R.S 17-A and the applicable chapters of the Maine Law Enforcement Officer's Manual (L.E.O.M.).
- B. Emergency Communication Specialist (ECS) Responsibilities: Deputies should be aware that Lincoln County Communications Center (LCCC) protocol 3030 governs LCCC's response to domestic abuse situations. The ECS who receives a domestic abuse call can provide the responding deputies with vital information that could save the victim's and/or officer's life. The LCCC gives a domestic abuse call the same priority as any other life threatening call and shall, whenever possible, dispatch at least two (2) deputies to every incident. LCCC's protocol includes the following:
 - 1. In addition to information normally gathered, an effort should be made to determine, but not be limited to, and relay the following information to responding deputies:
 - a. Whether the suspect is present and, if not, the suspect's description and possible whereabouts.
 - b. Whether weapons are involved.
 - c. Whether the offender is under the influence of drugs or alcohol.
 - d. Whether there are children present.

¹⁴ Evidence-Based Risk Assessment of DV Offenders; The State of Science in 2006, Robert Moyer, PhD

¹⁵ 17-A M.R.S. § 108-1 & 2

¹⁶ 17-A M.R.S. § 208, sub-1-C

- e. Whether a current protective, restraining order or bail conditions are in effect.
- f. Complaint history at that location.
- g. Whether an ambulance is needed.
- h. Any “excited utterances” made by the caller, or any other statements that may be beneficial to the responding deputies investigation.
- i. Any agency or court record or risk assessment pertinent to either party.

2. If the caller is the victim, the ECS 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 deputies to arrive.

3. The ECS shall NOT cancel the law enforcement response to a domestic abuse complaint based solely on a follow-up call from the residence requesting such cancellation. However, the ECS shall advise the responding unit(s) of the complainant’s request.

4. If the caller is a witness to a domestic incident in progress, the ECS should keep the caller on the telephone and should relay ongoing information provided by the caller to the responding deputies.

5. The ECS shall document all domestic abuse calls received that involve, or appear to involve an employee of the Lincoln County Sheriff’s Office (LCSO) and immediately notify the LCSO supervisor on duty or on call. This same procedure shall be followed if the ECS is aware that any involved party is a law enforcement officer in another jurisdiction. It shall be the responsibility of the supervisor to notify the appropriate LCSO command staff or a supervisor in the jurisdiction of the officer(s) involved.

6. The ECS shall ensure that deputies at the scene of an alleged incident of abuse or violation of an order of protection are informed of a recorded prior incident of abuse involving the abused party and can verify the effective dates and terms of a recorded order of protection.¹⁷

7. The LCCC will prepare and preserve documentation of the facts and circumstances of the call, including the 911 tapes and agency tapes, or statements or excited utterances, for use in potential investigations.

C. Approaching the scene.

1. The deputy 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. Deputy(ies) should be alert to

¹⁷ 19-A M.R.S. § 4012(2)

and note persons encountered while approaching the scene. If possible, an officer should question any potential witnesses to the incident.

2. The deputy should if possible parking the police vehicle directly in front of the residence or other site of the disturbance. The deputy should be alert for assailants leaving the scene and for the deployment of weapons from doors, windows, or nearby vehicles.

3. Consider the surroundings before knocking on door; listen and look in any nearby window to obtain additional information about the situation (layout of house, number of people involved, weapons).

4. Deputy(ies) must be concerned for their own safety as well as the victim's. Minimize the possibility of injury, stand on the side of the door when knocking. The unexpected may occur when the door opens.

5. The deputy otherwise should employ standard precautionary measures in approaching the scene of the incident.

D. Complaint Response/Investigation: When responding to a domestic abuse call, deputies shall:

1. Identify oneself as a deputy sheriff by name, give an explanation of the law enforcement presence, and request entry into the home. If the complainant is in the home, ask to see the complainant. If the person who called the police is someone other than the subject of the call, the deputy should not reveal the caller's name.

2. Restore order by gaining control of the situation.

3. Take control of all weapons used or threatened to be used in the crime.

4. Assess the need for medical attention and call for medical assistance, if needed.

5. On arrival at the scene of a domestic abuse call involving any law enforcement agency (LEA) employee, the primary deputy shall immediately notify a supervisor.

6. Interview all parties, to include children, neighbors, and others witnesses, separately.

7. Process the crime scene.

8. Deputies shall arrest the abuser if probable cause exists for any domestic abuse crime.

9. Deputies shall arrest the predominant aggressor in cases where both parties have committed some sort of violence toward each other. Deputies

shall consider the arrest of the predominant aggressor the preferred action when evidence indicates that domestic abuse has occurred, in addition to a violation of the Maine Criminal Code.

10. Deputies shall determine if self-defense was used by one of the parties involved to help the deputy make a decision as to the predominant aggressor. Deputies should consult the Predominant Aggressor Decision Tree in making this determination. (See Appendix 3).

11. Collect and record evidence and, whenever possible, take color photos of injuries and property damage.

12. Complete appropriate offense or incident reports necessary to fully document the deputies response to include description of the crime scene, witness statements, excited utterances, description of injuries, whether or not a crime was committed and if an arrest was made. This report shall include ATN and CTN numbers as needed.

13. Bail Commissioner Risk Assessment Information Form¹⁸:

Deputies shall fully complete with a best faith effort the validated, evidence-based domestic violence risk assessment form. The risk assessment shall include, but is not limited to:

- a. The deputy's name, agency, incident number, ATN and CTN numbers.
- b. The pending charges with statutory cites and class of the pending crimes charged.
- c. The defendant's name, DOB, address(es), phone numbers, place of employment, physical description and location of arrest.
- d. The victim's name, DOB, relationship to the defendant, phone numbers and the victim's address only if it is clear the defendant already knows where the victim lives.
- e. Maine SBI, NCIC Triple III (if appropriate), MV history information and any other history.
- f. Failing to Appear, Protection for Abuse/Harassment Orders or Other Bail Conditions information.
- g. The ODARA Risk Assessment Score, in appropriate cases. (See Appendix 2)
- h. Whether the commission of the alleged crime included the use of strangulation.
- i. Other information to include, but not limited to; the presence, use, or threat of weapons; threats to kill self, others, or pets;

¹⁸ 25 M.R.S. § 2803B-(1)(5)

alcohol or drug use; if the victim is pregnant; or if there was a recent separation.¹⁹

14. The information on the risk assessment form:
 - a. Shall be provided to the bail commissioner in person prior to the bail commissioner setting bail or left at the county jail in order that the bail commissioner can review the risk assessment prior to setting bail.
 - b. The deputy shall also provide a copy of the ODARA risk assessment to the Office of the District Attorney in the county in which the domestic abuse occurred (See Appendix 2)

15. The Sheriff's Office shall provide a copy of the incident report or information when completed and approved by a supervisor if so requested by the victim,²⁰ or a domestic abuse advocate affiliated with an advocacy group that has a specific agreement with this agency for the provision of such reports or information.²¹ In either case, the Lincoln County Sheriff's Office may place reasonable restrictions on the disclosure in order to protect against public dissemination of confidential reports or information.

16. If the offender has left the scene and a crime has been committed, deputies will:
 - a. Conduct a search of the immediate area.
 - b. Obtain information from victims and witnesses as to where the offender might be.
 - c. Deputies are encouraged to make a warrantless arrest if the offender is found within a reasonable amount of time or write an affidavit for an arrest warrant and arrest the offender.

17. If probable cause does not exist to make an arrest for violation of any domestic violence crime, deputies must indicate in their incident report the reason for such. Deputies are also required to assist the victims as required in this policy, to include obtaining protection orders, obtaining shelter or medical assistance.

E. On Scene Assistance to Victims and Dependents: Maine law provides that whenever a deputy has reason to believe that a family or household member has been abused, the deputy shall immediately use all reasonable means to prevent further abuse. The deputy shall assist the victims of domestic abuse in the following manner:

1. Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.

¹⁹ 25 M.R.S. § 2803B-1

²⁰ 16 M.R.S. § 614(3)(D)

²¹ 16 M.R.S. § 614(3)(E)

2. Remain on the scene as long as there is a reasonable belief that there is an immediate danger to the physical safety of that person without the presence of a deputy, including, but not limited to, staying in the dwelling unit.

3. Assist that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital, if no other options are available.

4. When available, provide that person immediate and adequate written notice of rights, which shall include information summarizing the procedures and relief available to victims of abuse.

5. If the victim does not speak English, deputy(s) should arrange for translation of the foregoing notices and advice.

6. Arrest the abusing party with or without a warrant pursuant to the Maine Criminal Code.

a. In the case of an alleged crime involving domestic violence, sexual assault under chapter 11 or stalking, the arresting deputy shall obtain the victim's contact information and provide that information to the jail to which the defendant is delivered.

b. In a case of an alleged crime involving domestic violence, sexual assault under chapter 11 or stalking, a jail shall notify a victim of a defendant's release on pre-conviction bail as soon as possible but no later than one hour after the defendant's release. If the defendant is released on bail before being delivered to a jail, the arresting deputy shall notify the victim as provided in this section. Any such notification must be documented.

c. Notification under subsection b must be made by a telephone call either directly to the victim or as provided in subsection e. In the event that the jail has not succeeded in contacting the victim after the jail has exercised due diligence in attempting to contact the victim, notification of the defendant's release must be made to the on duty or on call Sheriff's Office supervisor or the deputy that investigated the report of domestic violence, sexual assault or stalking. That on duty or on call supervisor shall ensure that a reasonable attempt to notify the victim of the defendant's release on pre-conviction bail is made and documented.

d. Notwithstanding subsection b, a victim of an alleged crime described in subsection a, may request in writing that the jail or the Sheriff's Office not notify the victim of the defendant's release on pre-conviction bail.

e. Notification under this section to an adult victim must be made to the victim. Notification to a minor victim must be made to an adult who is the victim's parent or legal guardian or, if a parent or legal guardian is not available, to another immediate family member of the

victim unless the jail or Sheriff's Office reasonably believes that it is in the best interest of the minor victim to be notified directly.

f. Neither the failure to perform the requirements of this section nor compliance with this section subjects the Lincoln County Sheriff's Office, the jail where the defendant was delivered, the Department of Corrections, or deputy's or employees of the Sheriff's Office, jail or Department of Corrections to liability in a civil action.²²

7. If possible, advise the victim(s) in writing of the availability of Temporary Protection from Abuse Orders and where they can be obtained. This information can be obtained from New Hope for Women the local domestic abuse advocacy group.

8. In circumstances in which it is necessary for the victim to temporarily leave the residence, deputies should offer the victim assistance in locating lodging with family, friends, public accommodations, or a domestic abuse shelter/safe home.

a. Deputies shall assist the victim in obtaining the safe retrieval of the personal property belonging to the victim by using the following procedures(see item 7 below):

1. Contact each party to determine a convenient time in order for the victim to obtain personal belongings, which shall give the victim the option of at least 24 hours notice.

2. When possible, meet the victim at a pre-determined neutral location, with at least one (1) deputy present.

3. Determine what personal belongings are to be obtained. These should be limited to clothing, children's clothing, toiletry items, and other reasonable personal belongings only.

4. The deputy should keep the victim at a safe distance until it can be determined that the defendant is not around.

5. Once the deputy(s) determines the defendant is not around, then the victim can be accompanied into the location in order to obtain personal belongings, provided there are no stipulations in bail or protective order language to prevent such events.

6. If it determined the defendant is at the location and violating any bail conditions or protective order stipulations, the deputy shall arrest the defendant for the violation.

²² 17-A M.R.S § 1175-A

7. If it is determined the defendant is at the location and there is a “no contact” provision(s) in place, the deputy shall attempt to have the defendant leave prior to the victim retrieving personal items. Deputies shall not violate a no contact provision unless expressly authorized to do so in the court document.

b. Deputies shall assist the defendant in the safe retrieval of personal property belonging to the defendant by using the following procedures (see item 6 below):

1. Contact each party to determine a convenient time in order for the defendant to obtain their personal belongings, which shall give the defendant the option of at least 24 hours notice.²³

2. When possible, meet the defendant at a pre-determined neutral location with at least one (1) deputy. Two (2) deputies would be preferred, if reasonably available.

3. Determine what personal belongings are to be obtained. These should be limited to clothing, children’s clothing, toiletry items and other reasonable personal belongings only.

4. The deputy(s) should keep the defendant at a safe distance until it can be determined that the victim is not around.

5. Once the deputy determines the victim is not around, the defendant can be accompanied into the location in order to obtain personal belongings, provided there are no stipulations in bail or protective order language to prevent such events.

6. If it is determined the victim is at the location and there is a “no contact” Provision in place with the defendant, the deputy shall attempt to have the victim leave prior to the defendant obtaining his or her items. Deputies shall not violate a no contact provision unless expressly authorized to do so in the court document.

F. Protection Orders:

1. Under current Maine law, arrest is mandatory if there is probable cause to believe that there is a violation of a court-approved Protection Order or a consent decree, or that the abuser has committed aggravated assault.

2. A warrantless arrest is authorized²⁴ if the Deputy has probable cause to believe that a person violated an order issued pursuant to 15 M.R.S. § 321(2), “a condition of release” whether or not a crime was committed in the Deputy’s presence.

²³ 25 M.R.S. § 2803-B(1)(3)

²⁴ 15 M.R.S. § 321(6)

3. A warrantless arrest is also authorized if a Deputy has probable cause to believe a person has committed or is committing²⁵ any crime listed in 17-A M.R.S. § 15.

4. Once a Protection from Abuse Order has been issued, whether temporary or permanent, and once the Deputy is aware of this order, it shall be the Deputy's duty to serve or cause to be served such Protection Order in a timely and expeditious manner.

5. Deputies shall place a high priority of service of the Protection Order, Temporary Protection Order, or any modification of such order. The order must be served on the individual, by delivering a copy to the individual personally.

6. If the individual refuses to receive any Protection Order, the Deputy shall leave the Protection Order in the immediate presence of the individual and advise the individual of the content of the Protection Order, the fact that the individual has been officially served, and the consequences of a violation of the Protection Order. Because proper service of a Protection Order is time-critical, no Deputy of this agency will attempt to serve this process by registered mail.

7. Deputies will document all Protection Order services, articulating the circumstances surrounding the service of the Protection Order. Once service has been made, the Deputy who served it shall ensure the service information is delivered to the Lincoln County Communications center immediately so it can be entered into the METRO System without delay.

F. Violation of a Protection Order: A person commits the offense of "Violation of a Protection Order" if²⁶:

1. A District Court has issued a Protection Order, Temporary Protection Order, or any modification of such an order against a person, and that person violates that order.

2. That person received actual notice pursuant to Maine Rules of Civil Procedure of a Protection Order, Temporary Protection Order, or any modification thereof against another person, and that person against whom the order was issued violates that order.

3. That person knowingly violates a condition of any Protection Order.

4. Deputies must recognize that a person who obtains a Protection from Abuse Order cannot violate the order regardless of any action taken by the person to whom the order was served, including encouraging the person to whom the order was issued to violate it.

G. Enforcement of a Violation of a Protection Order: The recommended course of action for a Deputy is to expeditiously arrest and take into custody without a warrant to the extent permitted by law any person for whom the Deputy has probable cause to believe has violated the terms of the order.

²⁵ 17-A M.R.S. § 15

²⁶ 19-A M.R.S., chapter 101

H. 48 Hour Follow-up: The Domestic Violence Investigators (DVI), or in his/her absence the primary investigating Deputy accompanied by a back-up Deputy if reasonably available, shall make contact with the victim in person within 48 hours of all domestic abuse incidents whether an arrest was made or not. In doing so, the DVO or Deputy can:

1. Check on the safety and well being of the victim.
2. Ensure adherence with bail conditions, protection orders, and any other court orders. If violations are found, the DVI or Deputy should determine the nature of bail and court orders in that they are subject to change and, if there is a violation, arrest the offender.
3. Further advise the victim of the court process and advocacy programs.
4. Offer assistance with obtaining protective orders.
5. Encourage the use of local family crisis or other services.
6. Collect statements or other evidence.
7. Take follow-up photographs of any injuries from the original incident, if warranted.
8. Check social media outlets or other forms of digital technology in order to determine if any cyber stalking is occurring.
9. The DVI or Deputy shall complete a supplemental report regarding each follow-up visit and will ensure that it is attached to the original paperwork for the Office of the District Attorney. The DVI or Deputy will also ensure that the Office of the District Attorney receives any additional photographs or other evidence obtained as a result of the follow-up visit.
10. If the DVI or Deputy is unable to make contact with the victim within 48 hours, either must contact their supervisor who will make alternative arrangements to ensure that contact is made if possible. If not the supervisor shall notify or cause to be notified the DVI that no follow has occurred immediately upon the DVI's return to duty.

I. Uniform Full Faith and Credit Clause: Deputies shall expeditiously enforce valid Protection Orders from other States and Tribal Courts after verifying the validity of any such orders²⁷.

J. Agency Follow Up if Victim is Seriously Injured or Killed:

1. If a victim of domestic abuse, regardless of their place of residence²⁸, is killed or seriously injured²⁹ within the primary jurisdiction, of the Lincoln County Sheriff's Office and, at the time of the death or injury, there was in effect any temporary or permanent protection from abuse order, the Sheriff shall cause a review of this policy and an investigation to determine and document the adherence to this policy by his/her Office and Deputies. A report shall be

²⁷ 18 U.S.C § 2265

²⁸ 17A M.R.S. § 2-21

²⁹ 17A M.R.S. § 2-21

prepared and a copy of the report made available for public inspection or copying pursuant to the Freedom of Access law.

V. PROCEDURES INVOLVING A LAW ENFORCEMENT AGENCY EMPLOYEE:

This policy applies to past convictions for domestic abuse, as well as existing and future offenses. Federal law prohibits Deputies who have been convicted of a qualifying domestic violence misdemeanor from receiving or possessing a firearm for any purpose, including the performance of official duties³⁰. If the Lincoln County Sheriff's Office conducts a domestic violence investigation that involves a member of this agency or a member of another law enforcement of agency it shall do so in accordance with this policy.

A. Prevention, Education and Training:

1. The Lincoln County Sheriff's Office shall provide to its employees training in the area of domestic abuse. Such training may include, but is not limited to, training provided or endorsed by the Board of Trustees of the Maine Criminal Justice Academy, or developed in collaboration with local domestic abuse victim advocacy organizations.
2. This policy is a public document and is available for copy or inspection upon request.
3. If requested the Sheriff's Office may provide training to local domestic abuse victim advocacy organizations on this policy.

B. Early Warning and Intervention:

1. Pre-hire Screening and Intervention:

1. The Sheriff's Office as part of policy 2-21 "Hiring Standards" section III, D-8a, shall conduct thorough background investigations of all potential new employees to determine if any history of domestic abuse or elated crimes exists.
2. When new employees are hired, the Sheriff's Office shall make itself available to families of the employees to discuss this policy and information concerning other related issues. Families shall be instructed

³⁰ 18 U.S.C. § 925

on whom to call in the agency if problems occur with respect to these issues.

3. Agency Responsibilities:

a. The Sheriff's Office shall, either in response to observed warning signs or at the request of an employee or a member of an employee's family, provide non-punitive avenues of assistance to employees, their partners, and other family members to mitigate potential acts of domestic abuse.

b. The Sheriff's Office shall also identify a procedure for making confidential referrals to counseling services, either internally such as EAP or in collaboration with existing community services that have specific expertise in domestic abuse, such as New Hope for Women.

c. Employees who disclose to any other member of this agency that they have personally engaged in domestic abuse are not entitled to confidentiality. The report of such conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.

4. Temporary Protection From Abuse Order: When the Sheriff is notified that an employee has been served a temporary protection from abuse order; he/she shall determine whether administrative leave is indicated and whether an internal investigation at that point is necessary.

5. Permanent Protection From Abuse Order:

a. When the Sheriff is notified that an employee has been served a permanent protection from abuse order, the he/she shall initiate an internal investigation to determine if the employee has violated the law or agency policies, and shall determine whether administrative leave is indicated.

b. If the employee is placed on administrative leave, the Sheriff should notify the plaintiff in the protection order of the administrative leave.

c. Upon completion of an internal investigation that substantiates disqualifying conduct by a certified deputy, the Sheriff shall notify the Director of the Maine Criminal Justice Academy.³¹

³¹ 25 M.R.S. § 2807

d. Upon completion of an internal investigation, the Sheriff shall also notify the Office of the District Attorney and the Maine United States Attorney's Office in order to determine if any federal laws would prevent the employee from possessing any firearm either on-duty or off-duty.³²

6. Supervisors Responsibilities: Supervisors shall be cognizant of and document all behavior, on-duty or off-duty, where employees may be exhibiting signs of possible domestic abuse related problems, including increased use of force during arrests, alcohol and/or drug abuse, increase in "controlling" behaviors, stalking activity, citizen and co-worker complaints of unwarranted aggression and verbal abuse, and inappropriate aggression towards animals. Off-duty related problems would include problems as a victim or a suspect.

1. Supervisors shall immediately make their ranking supervisor aware of any and all such behavior.

2. The Sheriff shall be informed of such circumstances or concerns in a timely manner through the chain of command.

3. Supervisors shall proactively inquire about all on-duty and off-duty employee injuries.

7. Sheriff's Office Employees Responsibility:

a. Employees are encouraged and entitled to seek confidential assistance from the agency to prevent a problem from escalating to the level of criminal conduct against a family or household member.

b. Employees with definite knowledge of abuse and/or abuse involving fellow employees must report such information in a timely manner to their supervisor. Failure to do so may subject the employee to disciplinary action.

c. All employees shall be aware of possible witness or victim intimidation, coercion or tampering. Whenever an employee suspects this is occurring, the employee shall prepare a written report and immediately deliver it to the investigator in charge of the case.

d. Employees who engage in threatening, harassing, stalking, surveillance, or other such behavior designed to interfere with cases against fellow employees or to intimidate witnesses will be subject to

³² 18 U.S.C. § 922(g)(8)

investigation, disciplinary action, possible sanction and/or criminal charges.

e. Employees who fail to cooperate with any internal investigation of a domestic abuse case may be subject to disciplinary action. This is not intended to infringe upon the individual rights of any employee.

f. Employees who falsely report that a victim of domestic abuse has committed a crime (such as child abuse or neglect) may be subject to disciplinary action.

g. Employees who are the subject of a criminal investigation, protective or restraining order related to domestic abuse, regardless of jurisdiction, are required to report themselves to the Sheriff and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

h. Any employee accused, who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall notify the Sheriff and provide a copy of the order to the Sheriff.

C. Incident Response Protocols:

1. Agency-wide Response:

a. This agency shall accept, document, and investigate all calls or reports, including those made anonymously, involving possible agency employee domestic abuse.

b. All reports of possible criminal activity implicating agency employees in domestic abuse shall be documented in accordance with the policies governing the handling of all reports of domestic abuse by citizens.

c. A copy of the report detailing the possible criminal activity implicating an employee in domestic abuse shall be directed to the Sheriff.

d. To the extent that the law permits, all such incident reports shall be made available by the agency to the involved victim without cost.

2. Supervisors Response:

a. A supervisor shall report to the scene of any domestic abuse situation involving a Sheriff 's Office employee or a law enforcement officer from another jurisdiction.

b. The supervisor shall ensure that the crime scene is secured, and that all evidence is collected, including color photographs.

c. As permitted by law, in cases where probable cause exists, the supervisor shall ensure an arrest is made.

d. If the offender has left the scene, the supervisor shall ensure a search is conducted and every attempt to locate the offender is made.

e. The arrest of both parties involved in a domestic abuse incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the predominant aggressor is made in accordance with state law.

f. Whenever a Sheriff's Office employee is arrested, the supervisor shall relieve the accused employee of any agency-issued weapons provided that the weapons can be legally obtained.

g. Whenever a domestic abuse call, involving a Sheriff's Office employee does not result in an arrest, the supervisor shall ensure that the investigating Deputy's written report explains any and all reasons why an arrest was not made or a warrant was not sought.

h. The supervisor shall ensure the victim is informed of the following:

1. The availability of an advocate.
2. Confidential transportation to a safe house, shelter, or any other location that ensures victim safety.
3. Procedures for obtaining restraining and/or protective orders and information concerning victim rights.
4. The standard of probable cause for arrest and the State's responsibility for filing a criminal complaint.
5. Steps of the judicial process, issues of victim rights and possible potential compensation of victims following an arrest.

6. Written information on community resources and local domestic abuse victim advocacy organizations.

3. Additional Critical Considerations:

a. When responding to a domestic abuse complaint involving an Officer from another jurisdiction, responding Deputies shall follow the same procedures that are to be followed in responding to a domestic abuse complaint involving an employee of this agency. The supervisor involved shall provide written notification to the Chief law enforcement officer in the accused officers jurisdiction within 24 hours.

b. In the event that the reported incident involves the chief law enforcement officer, the supervisor shall immediately notify the individual who has direct oversight for the chief.

c. In responding to domestic abuse incidents where the parties involved are law enforcement agency employees, investigation procedures identified in this policy shall be followed.

4. Agency Follow-Up:

a. The supervisor shall in a timely manner debrief all employees who respond to a domestic abuse call involving a law enforcement agency employee. During the debriefing, the supervisor shall:

1. Review agency confidentiality guidelines.

2. Reaffirm that employees share information only on a need-to-know basis.

3. Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.

b. Arrest warrants charging agency employees with domestic abuse crimes and civil protection orders issued at a later time shall be served by no fewer than two (2) Deputies with at least one being of senior rank to the employee being served.

c. On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.

d. Following the reported incident, the agency shall designate a member of the command staff to act as a principal contact for the

victim. The assigned contact Sheriff or Deputy will keep the victim apprised of the case throughout the adjudication process.

e. In addition, a referral will be made to the local domestic abuse service provider for assistance with lethality assessment and safety planning.

D. Victim Safety and Protection:

1. Working with community resources and advocacy agencies, the Lincoln County Sheriff's Office shall make available all necessary and appropriate services to each victim, including lethality assessment and safety planning.

2. All employees shall keep all information concerning victims confidential, including their whereabouts, safety plan and any communications.

3. The supervisor shall inquire whether the victim wants any weapons removed from the home for safekeeping by the agency and thereafter remove such weapons provided that such removal is accomplished legally.

4. All employees shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated supervisor shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning, if requested.

5. The designated supervisor shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

6. All employees shall be aware of possible witness or victim intimidation/coercion. Whenever an employee suspects this is occurring, that employee shall prepare a written report and immediately deliver it to the investigator in charge of the case through the chain of command.

a. In order to ensure coercion is not being attempted, the investigating Deputy shall seek out secondary sources of information.

b. Given the possibility that a victim may recant, supplemental evidence should be sought and preserved.

E. Post-Incident Administrative and Criminal Decisions:

1. The Sheriff shall conduct or cause to be conducted separate parallel administrative and criminal investigations of alleged incidents of domestic abuse by Sheriff's Office employees. The Office of the Attorney General or

the Office of the District Attorney should be consulted with respect to legal issues concerning these parallel investigations.

2. If the facts of the case indicate that domestic abuse has occurred or any agency policies have been violated, administrative action shall be taken separate and distinct from any criminal proceeding, as soon as practicable, but only after consulting with the Office of the Attorney General or the Office of the District Attorney to assure that any such action does not conflict with or compromise the criminal investigation. The Sheriff's Office will adhere to and observe all necessary protocols to ensure an accused employee's agency, union and legal rights are upheld during the administrative and criminal investigations.

F. Administrative Investigations and Decisions:

The responsibility to complete the administrative investigation of a Sheriff's Office employee domestic abuse incident shall rest with the Sheriff or his/her designee and shall be consistent the guidelines outlined in Sheriff's Office policy.

- a. The investigator(s) assigned shall conduct an administrative investigation. Witnesses shall be contacted, interviewed, and statements recorded. The crime scene evidence, photographs and medical records assessed, 911 tapes requested and all information documented as is with all domestic abuse cases.
- b. Where sufficient information exists, the Sheriff or his/her designee shall take immediate administrative action to intervene, which may include removal of badge, removal of weapons, or disciplinary action up to an including termination.
- c. Where an arrest was not made, but sufficient concern exists, the Sheriff shall initiate an independent administrative investigation and decide on the employee's status based on the outcome of the investigation.
- d. In determining the proper course of administrative action, the Sheriff or his/her designee shall consider factors such as:
 1. The level of danger an employee poses to the victim (based on risk assessment measures, if available).
 2. The employee's history of compliance with agency rules.
 3. The employee's history of aggressive behavior.

4. The existence of an alcohol or substance abuse problem.

G. Criminal Investigations and Decisions:

The responsibility to complete a criminal investigation of a Sheriff's Office employee shall rest with the Sheriff or his/her designee.

1. Witnesses shall be contacted, interviewed, and statements recorded, the crime scene evidence, photographs and medical records assessed, 911 tapes requested and all information documented.
2. When appropriate, the investigator(s) shall conduct sufficient interviews to support criminal charges, to include family members, friends, neighbors, colleagues, or others who may have information in accordance with privacy rights of the employee and the victim.
3. Even though an initial report may already exist concerning a Sheriff's Office employee, if the victim reports a subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number and investigated thoroughly.
4. The Sheriff shall cause a complete investigation of the charges and where warranted, seek prosecution even if the victim recants the statements or charges.
5. The Sheriff shall establish a liaison to work with the Office of the Attorney General or the Office of the District Attorney for proper action in a timely fashion and request that either in turn make a timely decision about the adjudication of the case.
6. Filing of complaints shall be done by the investigating agency, as with any other case for criminal prosecution.

H. Criminal Conviction:

Federal law prohibits persons, including law enforcement officers, convicted of misdemeanor domestic abuse assaults from carrying firearms. The Lincoln County Sheriff's Office shall ensure compliance with this federal law.

- a. Any employee who holds a certification from the Maine Criminal Justice Academy and who is determined to have engaged

in any criminal conduct shall be reported as required by law by the Sheriff to the Director of the Maine Criminal Justice Academy³³.

b. An agency employee convicted of any domestic abuse act shall be terminated.

³³ 25 M.R.S. § 2807

**LCSO 2-10 Domestic Violence – Appendix 1
BAIL COMMISSIONER INFORMATION FORM: DOMESTIC VIOLENCE**

Law Enforcement Agency: _____ Arresting Officer: _____

Incident #: _____ Arrest Tracking #: _____ Control Tracking #: _____

Defendant: _____ Date of Birth: _____

Address & Phone: _____

Place of Employment: _____ How Long: _____

Height: _____ Weight: _____ Hair: _____ Eyes: _____

Location of Arrest: _____

OFFENSE	CLASS	STATUTE	BAIL

Victim's Name/s: _____ Relationship to Defendant: _____

Date of Birth: _____ Phone #: _____

Victim's Address:*

***BY STATUTE, VICTIM'S ADDRESS SHOULD BE INCLUDED ONLY IF IT IS CLEAR DEFENDANT ALREADY KNOWS WHERE VICTIM LIVES.**

Maine Criminal History Record information (SBI); III (if appropriate); MV history; CCJ records- FTA, recent offences; PFA/PFH or Bail Conditions in effect:

ODARA Score: _____ (see attached Item Summary).

Information About Severity of Offense in Domestic Violence Cases (see attached probable cause affidavit for narrative of incident): Use of Strangulation during the incident: _____;

Presence/Use/Threat to use Weapon (type): _____; threats to kill

self/others/pets: _____; alcohol/drug use (type): _____;

victim pregnant: _____; recent separation: _____;

other: _____.

LCSO: 2-10 Domestic Violence – Appendix 2

ODARA Item Summary¹

Don not use without full scoring instructions as published by the
MHCP Research Department, Penetanguishene, ON Canada
In collaboration with the Ontario Provincial Police

Score each item 1 or 0

? if missing (available documentation indicates that an item might be present but the information is unclear or incomplete)

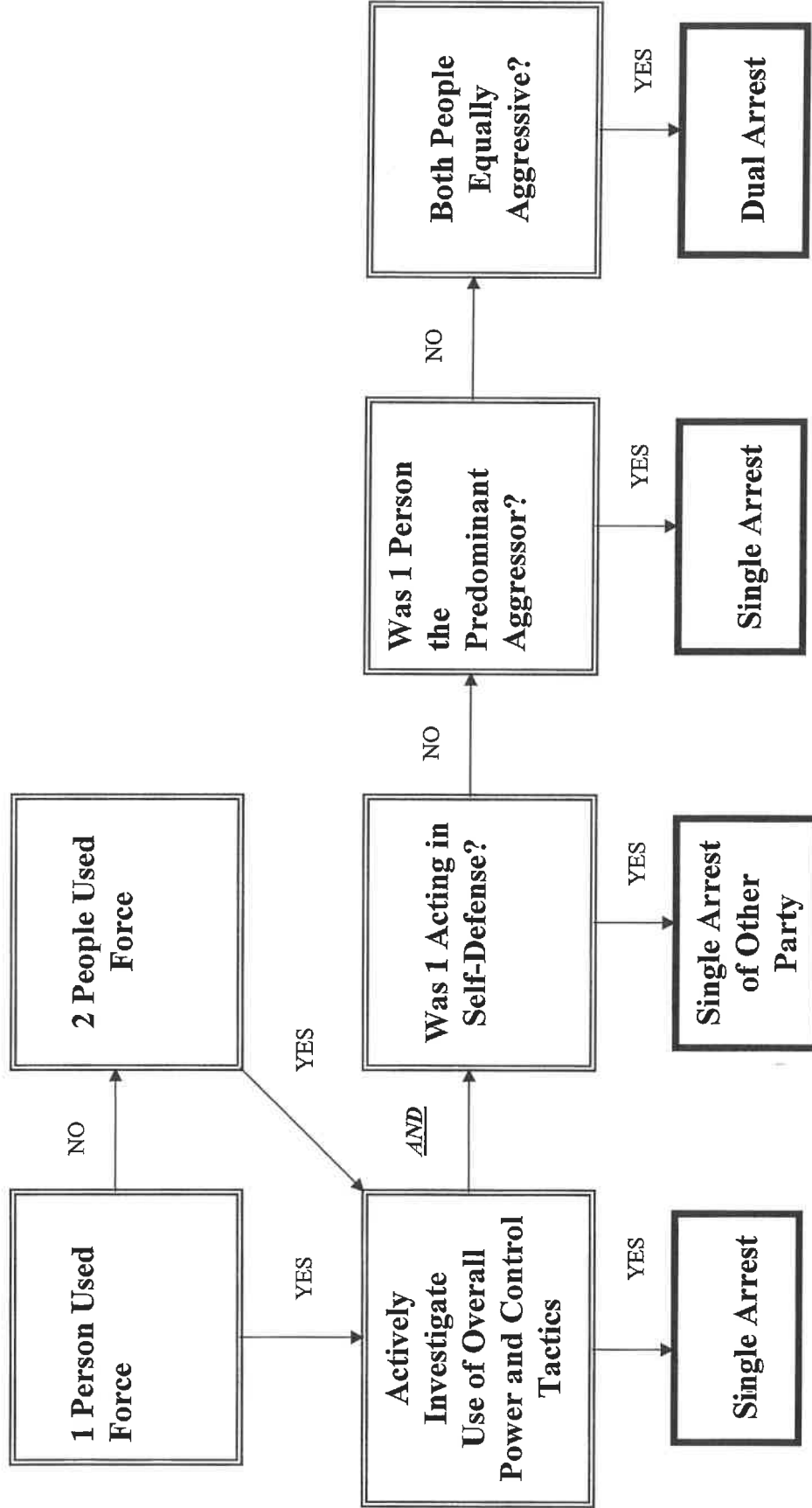
1. ___ Prior domestic assault (against a partner or the children) in police records
2. ___ Prior non-domestic assault (against any person other than a partner or the children) in police records.
3. ___ Prior sentence for a term of 30 days or more
4. ___ Failure on prior conditional release; bail, parole, probation, no-contact order
5. ___ Threat to harm or kill during the index incident.
6. ___ Confinement of victim during the index incident
7. ___ Victim Fears (is concerned about) future assaults
8. ___ More than one child together
9. ___ Victim has a biological child from a previous partner
10. ___ Violence against others (to any person other than partner or the children)
11. ___ More than one indicator of substance abuse problem, i.e.: alcohol at index, drugs at index, prior drugs or alcohol, increased drugs or alcohol, more angry or violent, prior offense, alcohol problem, drug problem
12. ___ Assault on victim when she was pregnant
13. ___ Victim faces at least one barrier to support, i.e.: children, no phone, no access to transportation, geographical isolation, alcohol/drug consumption or problem

_____ Raw total (sum of items scored 1)

_____ Adjusted Score (see table Adjusted scores for assessment with missing information)

¹ ODARA General Scoring Criteria (2005 Rev.) © 2005 Mental Health Center Penetanguishene, Research Department

**PREDOMINANT AGGRESSOR ANALYSIS
DECISION TREE**



Lincoln County Sheriff's Office
INFORMATION FOR VICTIMS OF DOMESTIC ABUSE



The Lincoln County Sheriff's Office recognizes the seriousness of crimes committed between family/household members. It is the policy of this agency that we combine the use of appropriate community services with enforcement of the law to: (1) break the cycle of domestic violence by preventing future incidents, and (2) protect victims of domestic violence and provide them with support. As a victim of domestic abuse, there are several things that you should know:

1. If an arrest is made the Two Brides Regional Jail or the Lincoln County Sheriff's Office will make all reasonable attempts at notifying you of the defendant's release from jail. It is extremely important that you provide the investigating Deputy Sheriff with your personal contact information so that we can reach you once the defendant is released on bail. You may call **Two Bridges Regional Jail (882-2615)** if you wish to check on an individual's bail status.
2. In circumstances where it becomes necessary for you to temporarily leave the residence, we will offer you assistance in locating lodging with, family, friends, in public accommodations, or at a domestic violence shelter/safe home.
3. We will offer you assistance in retrieving personal belongings, limited to clothing, children's clothing, toiletry items and other reasonable personal belongings, if permitted to do so by law. Arrangements can be made by calling the **Lincoln County Sheriff's Office (882-7332)**.
4. You may be able to get an emergency protection from abuse order from the District Court (Wiscasset). This may be done without a lawyer. For more information about this process we encourage you to contact **New Hope for Women**, a local domestic abuse resource center, at **882-6222 or 800-522-3304** (24 hours) or the **Lincoln County District Attorney - Victim Witness Advocate at 882-7312**.

If at any time you have questions about your case or your rights as a victim, please contact any of the following:

- **New Hope for Women (207) 882-6222 or 800-522-3304 (24 hours)**
- **Lincoln County District Attorney -Victim Witness Advocate (207) 822-7312 (Mon-Fri, 8 am – 4 pm).**
 - **Lincoln County Sheriff's Office (207) 882-7332 (24 hours)**

