

CUMBERLAND COUNTY DA'S OFFICE DOMESTIC VIOLENCE POLICY FOR LAW ENFORCEMENT OFFICERS

I. Purpose

The purpose of this policy is to provide a consistent process for responding to domestic violence and to prescribe a preliminary course of action that officers should take in response to domestic violence incidents.

II. Policy

This agency 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 violence be treated with the same consideration as violence in any other enforcement context.

It is also the policy of this agency that officers 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 violence by preventing future incidents or reducing the frequency and/or seriousness of such incidents, (2) protect victims of domestic violence and provide them with support, and (3) promote officer safety when dealing with domestic violence situations.

This agency also recognizes that no one is immune from incidents of domestic violence, including law enforcement. As part of this policy, this agency will take a proactive approach when dealing with any domestic violence committed by agency employees.

Given this is a statutorily mandated policy; officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

III. Definitions

Adult: Means any person 18 years of age or older or a person under 18 years of age who is emancipated pursuant to 15 M.R.S. §3506-A.

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 17-A M.R.S. §106(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
 - b. Being at or in the vicinity of the plaintiff's home, school, business or place of employment.

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.

Dating Partners: Means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

Domestic Partners: Means two unmarried adults who are domiciled together under long term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Domestic Violence Crimes: Means crimes of domestic violence assault; domestic violence aggravated assault; domestic violence elevated aggravated assault, domestic violence elevated aggravated assault on pregnant person; domestic violence criminal threatening; domestic violence terrorizing; domestic violence stalking and; domestic violence reckless conduct.

Domestic Violence Advocate: Means an employee of or volunteer for a nongovernmental program for victims of domestic violence who:

1. Has undergone at least 30 hours of training; and
2. As a primary function with the program supports and provides safety planning services to victims, supervises employees or volunteers who perform that function or administers the program.
3. Domestic Violence Advocates include those who work or volunteer at the member domestic violence resource centers of the Maine Coalition to End Domestic Violence, and the member advocacy centers of the Wabanaki Women's Coalition.

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 18-A M.R.S. §1-201(10-A).

Law Enforcement Agency Employee: Means all sworn and non-sworn members of this agency.

Predominant Aggressor: Means the person most responsible for the violence, uses the higher level of violence, has an established history of violence in the relationship, and who represents the more serious present threat of violence, when one or both parties have committed some sort of violence towards each other.

Predominant Aggressor Analysis: Method in which used by an officer to identify a predominant aggressor. (See Appendix #3)

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.

Self-defense: Means a person is justified in using a reasonable degree of physical force upon another person in order to defend the person or a third party from what the person reasonably believes to be the imminent use of unlawful force. See 17-A M.R.S. §108.

Strangulation: Means impeding the breathing or circulation of the blood of another person by intentionally, knowingly or recklessly applying pressure on the person's throat or neck. See 17-A M.R.S. §208(1)(C).

IV. Procedures

A. General

Law enforcement officers are responsible for being familiar with the applicable statutes of 15 M.R.S. Chapter 12-A, Chapter 101 of Title 19-A M.R.S. Chapter 101, and 17-A M.R.S §15 and the applicable chapters of the Maine Law Enforcement Officer's Manual (L.E.O.M.).

B. Emergency Communication Specialist (ECS) Responsibilities

The ECS who receives a domestic violence call can provide the responding officers with vital information that could save the victim's and/or officer's life. The ECS shall give a domestic violence call the same priority as any other life-threatening call and shall, whenever possible, dispatch at least two officers to every incident.

1. In addition to information normally gathered, an effort should be made to determine and relay the following information to responding officers, but not limited to:
 - 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 children are present.
 - e. Whether a current protective order, bail conditions, and/or probation conditions are in effect.
 - f. Complaint history at that location.
 - g. Whether medical attention is needed.
 - h. Any "excited utterances" made by the caller.
 - i. Any agency or court record or risk assessment pertinent to either party.
2. 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 officers to arrive and should relay ongoing information provided by the caller to the responding officers.
3. The ECS shall NOT cancel the law enforcement response to a domestic violence complaint based solely on a follow-up call from the residence requesting such cancellation. However, the ECS shall advise the responding officers of the request.
4. The ECS shall ensure that officers at the scene of an incident of violence or violation of an order of protection are informed of a recorded prior incident of violence involving the abused party and can verify the effective dates and terms of a recorded order of protection.
5. If the call involves, or appears to involve, a law enforcement officer or other employee of a law enforcement agency, the ECS shall immediately notify the employee's supervisor, regardless of the involved employee's jurisdiction.

C. Initial Officer Response

1. The officer should avoid the use of sirens and emergency lights in the vicinity of the scene of the incident. Officers should be alert to and note persons encountered while approaching the scene. If possible, an officer should question any potential witnesses to the incident.
2. The officer should not park the police vehicle directly in front of the residence of the disturbance. The officer should be alert for assailants leaving the scene and for the employment of weapons from doors, windows, or nearby vehicles.
3. The officer should consider the surroundings before knocking on the door, and listen and look in any nearby window to obtain additional information about the situation (layout of house, number of people involved, weapons).

4. Officers 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. If the incident involves a law enforcement officer or other employee of a law enforcement agency as the suspect, refer to additional initial officer response protocols below in section J of this policy.

D. Complaint Investigation

Upon arriving to a domestic violence call, officers shall:

1. Identify oneself as an officer by name, explain 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 officer should not reveal the caller's name.
2. Restore order by gaining control of the situation, in particular by securing the suspect and controlling the suspect's movement and ability to interact visually or verbally with others at the scene.
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. In cases involving non-fatal strangulation, always call Emergency Medical Services to examine the victim, regardless of whether visible injury exists.
5. If any of the parties are Limited English Proficient, officers should arrange for interpretation services.
6. Interview all parties, to include children, neighbors, and other witnesses, separately.
7. Process the crime scene.
8. In cases when one or both parties have committed some kind of violence against the other, utilize the predominant aggressor analysis by 1) establishing that probable cause exists that a crime has occurred, 2) actively investigating whether any party used self-defense, and 3) determining who is the overall predominant aggressor in the relationship. This is the person who poses the most past/present/future risk to the other, who uses an overall pattern of coercive, controlling tactics, and the person who places the other in fear. These steps in the analysis should be completed in order. Officers should consult the Predominant Aggressor Decision tree (Appendix 1) when utilizing the analysis. This analysis is to be used in making arrest decisions.
9. Collect and record evidence and, where appropriate, take color photos of injuries and property damage.
10. If the offender has left the scene and a crime has been committed, officers will:
 - a. Conduct a search of the immediate area.
 - b. Obtain information from victims and witnesses as to where the offender might be.
 - c. Officers are encouraged to make a warrantless arrest when the offender is found or write an affidavit for an arrest warrant and arrest the offender.
11. If probable cause does not exist to make an arrest for violation of any domestic violence crime, officers must indicate in the agency incident report the reason for such.
12. In-custody arrest is mandatory when an officer has probable cause to believe that a violation of a court-approved consent agreement or protection order has occurred, or if a domestic violence aggravated assault, a domestic violence elevated aggravated assault (17-A M.R.S. §208-, or domestic violence elevated assault on a pregnant person has occurred, pursuant to 19-A M.R.S. §4012(5).
13. A warrantless arrest is authorized if an officer has probable cause to believe that a person violated an order issued pursuant to 15 M.R.S. §321(6). Furthermore, when an officer has reason to believe that a family or household member has been abused, the officer shall

- immediately use all reasonable means to prevent further abuse, which may include arresting the abusing party with or without a warrant pursuant to 19-A M.R.S. §4012(6)(D) and Title 17-A, §15.
14. A warrantless arrest is also authorized if an officer has probable cause to believe a person has committed or is committing any crime listed in 17-A M.R.S. § 15.
 15. Officers must make a good-faith effort to complete a validated, evidence-based domestic violence risk assessment, currently the Ontario Domestic Abuse Risk Assessment (ODARA) (see Appendix 2), on the offender:
 - a. ODARA is used in any case involving any person arrested for: domestic violence assault; domestic violence aggravated assault; domestic violence elevated aggravated assault; domestic violence elevated aggravated assault on pregnant person; domestic violence criminal threatening with a dangerous weapon; and/or domestic violence terrorizing when the circumstances include:
 - I. An act of violence involving physical contact with the victim or;
 - II. A credible threat of death with a weapon in hand made in the presence of the victim.
 - b. ODARA is validated for use in heterosexual intimate or dating partnerships only; it is not yet validated for use in same sex intimate partnerships; not validated for cases involving other family or household member relationships.
 - c. In addition to completing the ODARA score sheet, the officer should document in the narrative of the investigative report the specific facts and circumstances that support the scoring of the ODARA.
 - d. The officer must provide the ODARA results with the Bail Commissioner, see 19-A M.R.S. §4012(6).
 - e. The officer must provide a copy of the ODARA to the Office of the District Attorney for the county in which the abuse took place, see 19-A M.R.S. §4012. At a minimum, the officer must ensure that a copy of the ODARA assessment is included in the case file for provision to the District Attorney's Office.
 - f. The officer should attach the ODARA scoresheet to the incident report and also provide details about the sources of information and scoring of each ODARA item in the report narrative.
 16. Complete appropriate offense or incident reports and include, if possible and at a minimum, the following:
 - a. Time of dispatch, time on the way to the call, and time of arrival.
 - b. Description of the scene and the appearance and demeanor of the parties.
 - c. Excited utterances/present sense impressions from the parties or witnesses.
 - d. The officer's own observations of injury, people, and the scene.
 - e. Each person's description of the relationship of the parties.
 - f. Photographs.
 - g. Any other physical evidence, including digital/technology.
 - h. Names, ages, addresses, phone numbers of witnesses (including children and neighbors).
 - i. Written statements.
 - j. The three-step analysis when making the predominant aggressor determination.
 - k. Whether an arrest was made.
 - l. Details about the validated, evidence-based domestic violence risk assessment (Ontario Domestic Assault Risk Assessment), including the sources of information for each item and the score, if an arrest is made for an eligible crime and an eligible relationship exists.
 - m. Details about medical intervention if any.
 - n. Request for medical records.
 - o. Note all existing Protection From Abuse Orders, bail conditions, and probation conditions.
 - p. Information and referrals provided to the victim, including Protection From Abuse Order information if no order already exists, and contact information for the domestic violence

resource centers of the Maine Coalition to End Domestic Violence and the advocacy centers of the Wabanaki Women's Coalition.

- q. ATN and CTN numbers when necessary.
- r. Current contact information for the victim or another person who knows where to contact the victim.
- s. SBI and Triple-I.

17. The agency may provide a copy of the incident report or information to an advocate at a domestic violence or sexual assault center, pursuant to 16 M.R.S. §806(3).

E. Bail Commissioner Information Form

1. Officers should make a good faith effort to complete the Bail Commissioner Information Form (see Appendix 3). The form includes:
 - a. The officer'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. When appropriate, the validated, evidence-based domestic violence risk assessment (ODARA) score.
 - h. Whether the incident included the use of strangulation.
 - i. Other information to include, but not limited to the presence/use/threat of weapons, threats to kill self/others/pets, alcohol or drug use, if the victim is pregnant, or if there was a recent separation.

F. On Scene Assistance to Victims and Dependents

Maine law provides that whenever an officer has reason to believe that a family or household member has been abused, the officer shall immediately use all reasonable means to prevent further violence. The LEO shall assist the victims of domestic violence in the following manner:

1. If any of the parties are Limited English Proficient, officers should arrange for interpretation services
2. Advise all parties about the criminal nature of domestic violence, its potential for escalation, and that help is available.
3. Remain on the scene as long as there is a reasonable belief that there is a danger to the physical safety of that person without the presence of an officer, including, but not limited to, staying in the dwelling unit.
4. Assist that person in obtaining medical treatment necessitated by an assault, including driving the victim to the emergency room of the nearest hospital.
5. Give that person immediate and adequate written notice of rights, which shall include information summarizing the procedures and relief available to victims of violence. This includes information about Protection From Abuse Orders and contact information for local domestic violence resource centers of the Maine Coalition to End Domestic Violence and the advocacy centers of the Wabanaki Women's Coalition.
6. In circumstances in which it is necessary for the victim to temporarily leave the residence, officers should offer the victim assistance in locating lodging with family, friends, public accommodations, or a domestic violence shelter/safe home.

G. Victim Notification, see 17-A M.R.S. §1175-A

1. For victim notification to be possible by a jail, the officer must provide current victim contact information to the jail to which the defendant is delivered.

2. In a case of a crime involving domestic violence, 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 officer shall notify the victim as provided in this section.
3. Victim notification must be made by a telephone call directly to the victim. If 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 this agency.
4. This agency shall make a reasonable attempt to notify the victim of the defendant's release. All notification attempts will be logged.
5. Notification to a minor victim must be made to an adult who is the victim's parent or legal guardian.

H. Law Enforcement Officer Follow-up

Officers assigned to domestic violence follow-up, accompanied by a back-up officer if reasonably available, shall contact the victim within 48 hours of all domestic violence incidents whether an arrest was made or not. In doing so, the officer 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 officer 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 information about Protection From Abuse Orders and advocacy programs.
4. Collect statements or other evidence.
5. Take follow-up photographs of any injuries from the original incident, if warranted.
6. Check social media outlets or other forms of digital technology in order to determine if any misuse of technology and/or stalking is occurring.
7. The officer 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 officer 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.
8. If the officer is unable to contact the victim within 48 hours, the officer will contact their supervisor who will make alternative arrangements to ensure that reasonable efforts to contact the victim continue.

I. Property Retrieval

Officers shall assist the retrieving individual in obtaining the safe retrieval of the personal property belonging to the victim/defendant by using the following procedures:

1. Officers shall make reasonable efforts to ensure a property retrieval has not already occurred. The officer shall then contact each party to determine a convenient time for the retrieving individual to obtain personal belongings, if possible, giving the victim the option of at least 24 hours' notice.
2. When possible, meet the retrieving individual at a pre-determined neutral location, with at least one officer.
3. Identify any language, cultural, or other barriers to assistance and safety and provide referrals to the local domestic violence resource center, sexual assault service provider, and/or culturally specific domestic violence organization.
4. Determine what personal belongings are to be obtained. These should be limited to clothing, children's clothing, toiletry items, and other reasonable personal belongings.
5. In a "keep the peace" retrieval for additional property, the officer shall review any court order provided detailing the property to be retrieved. The retrieving individual may not remove property

unless specifically designated in the order unless both parties confirm the agreement. If any property is in dispute and possession is not designated in the order, the officer may not allow the retrieving individual to remove the property. The officer may refer the parties to the court for resolution of the matter.

6. The officer should keep the retrieving individual at a safe distance until it can be determined that the other person is not present.
7. Once the officer determines the other person is not present, then the retrieving individual can be accompanied into the location in order to obtain personal belongings.
8. The officer shall accompany the retrieving individual throughout the entire retrieval.
9. If it is determined the other person is at the location and violating any bail conditions or protective order stipulations, the officer shall arrest that person for the violation.
10. If it is determined other person is at the location and there is a "no contact" provisions in place, the officer shall attempt to have that person leave prior to the retrieving individual retrieving personal items.
11. The officer shall check the existence of any order or conviction that prohibits possession of firearms from the retrieving individual. The officer shall not allow firearms or ammunition retrieval by any prohibited person.
12. 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 the local domestic violence resource center. The officer shall also advise the victim(s) that transportation is available to a court or person authorized to issue such Protection from Abuse Orders.

J. Procedures Involving a Law Enforcement Agency Employee

This agency also recognizes that no one is immune from incidents of domestic violence, including law enforcement. As part of this policy, this agency will take a proactive approach when responding to any domestic violence committed by agency employees. Incidents of domestic violence involving agency employees shall be investigated utilizing both the procedures outlined above in this policy, and the following procedures and considerations:

1. Agency Responsibilities
 - a. This agency shall, either in response to observed warning signs or at the request of an officer or a member of an agency employee's family, provide non-punitive avenues of assistance to employees, their partners, and other family members to mitigate potential acts of domestic violence.
 - b. This agency shall identify a procedure for making confidential referrals to counseling services, either internally or in collaboration with existing community services that have specific expertise in domestic violence.
 - c. Information learned by the CLEP about an employee's conduct relating to the commission of domestic abuse, which could include criminal conduct, being a defendant in a temporary or permanent protective order in any jurisdiction, or other conduct reportable to the Maine Criminal Justice Academy under 25 M.R.S. §2806-A & §2807 shall be investigated both criminally and administratively as outlined in Model Policy 1-10 Investigation of Employee Misconduct.
 - d. Following a domestic violence incident, the agency shall designate a member of the command staff to act as a principal contact for the victim. The assigned contact officer will:
 - I. Keep the victim apprised of the case throughout the adjudication process.
 - II. Inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
 - e. When responding to a domestic violence incident involving a law enforcement officer or other law enforcement agency employee from another jurisdiction, all law enforcement personnel shall follow the same procedures that are to be followed in responding to a domestic abuse complaint involving an employee from their own agency. The agency shall provide written

notification to the CLEO in the suspect's jurisdiction in a timely manner, and if possible within 24 hours.

- f. 25 M.R.S. §2807 requires the Chief Law Enforcement Officer (CLEO) of an agency to notify the Director of the Maine Criminal Justice Academy within 30 days when an officer employed by that agency is convicted of a crime or violation or engages in conduct that could result in suspension or revocation of the individual's certification.
 - i. In practice, this could include for example, a domestic violence related arrest, or being the defendant in a temporary or permanent Protection From Abuse Order.
 - ii. This could also include other conduct not resulting in an arrest, charge or conviction that would constitute engaging in conduct that is prohibited or penalized by state law as murder or a Class A, Class B, Class C or Class D crime or by any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45, as per 25 M.R.S. §2806-A(5)(F).
2. Supervisor Responsibilities
 - a. Supervisors shall be cognizant of and document all behavior, on-duty or off-duty, in which employees may be exhibiting signs of possible domestic violence related problems, including increased use of force during arrests, alcohol and/or drug abuse, increase in "controlling" behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, inappropriate aggression towards animals, and on-duty or off-duty injuries. Off-duty related problems and injuries would include problems as a victim or a suspect.
 - b. Supervisors shall immediately make their ranking supervisor aware of any and all such behavior.
 - c. The CLEO shall be informed of such circumstances or concerns in a timely manner through the chain of command, and if possible within 24 hours.
 - d. Whenever an agency employee is arrested, the supervisor shall relieve the employee of any agency-issued weapons provided that the weapons can be legally obtained. 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.
 - e. In the event that an incident involves the CLEO of the agency or the agency of another jurisdiction, the supervisor shall immediately notify the individual who has direct oversight for the CLEO.
 3. Responding Law Enforcement Officer Responsibilities
 - a. Investigating officers follow all procedures outlined in this policy, in addition to the procedures and considerations in this section.
 - b. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement officer or other employee of a law enforcement agency, the primary officer shall immediately notify dispatch, and notify or request notification of a supervisor of higher rank than the involved officer. The ranking officer should report to the scene, regardless of the involved officer's jurisdiction.
 - c. Responding officers shall be aware of the heightened risk that a suspect who is a law enforcement officer will likely possess firearms, other weapons, physical combat training, or all three.
 - d. Officers should be aware that the suspect might attempt to make emotional appeals to responding officers.
 - e. In cases involving a suspect who is a law enforcement officer or other employee of a law enforcement agency, responding officers must respond to the victim in a way that assures the victim that their case will be investigated and handled thoroughly and professionally, without regard for the suspect's employment as a law enforcement officer.
 - f. Responding officers shall seek out and preserve secondary sources of information and supplemental evidence, in order to ensure that coercion and tampering is not being attempted or committed, and in order to support the case in the event that the victim may discontinue involvement in the case for safety or other reasons.
 4. Law Enforcement Employees Responsibilities

- a. Agency 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. Agency employees with definite knowledge of violence and/or violence involving fellow employees must report such information in a timely manner to their supervisor. Failure to do so will 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 are the subject of a criminal investigation, protective order related to domestic violence, regardless of jurisdiction, are required to report themselves to the CLEO and provide notice of the court dates, times, appearances, and proceedings in a timely manner.

K. Protection Orders

1. General
2. Arrest is mandatory if there is probable cause to believe that a violation of a court-approved Protection Order or a consent agreement has occurred, pursuant to 19-A M.R.S. §4012(5).
3. Once a Protection From Abuse Order has been issued, whether temporary or permanent, officers shall place a high priority on service of the Protection Order, or any modification of such order. The order must be served on the individual, by delivering a copy to the individual personally.
4. If the individual refuses to receive any Protection Order, the officer 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.
5. Officers will document all Protection Order services and/or attempts, articulating the circumstances surrounding the service/attempt of the Protection Order. Once service has been made, the serving agency shall ensure the service information is entered into the METRO System without delay and the return of service is sent to the court.
6. Uniform Full Faith and Credit Clause: Officers shall expeditiously enforce valid Protection Orders from other States and Tribal Courts. Officers shall verify the validity of the protection orders prior to enforcing them.
7. Violation of a Protection Order
A person commits the offense of "Violation of a Protection Order" if:
 - a. 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;
 - b. The defendant received prior actual notice of the order or consent agreement, which may be by physical service of the order or notice other than service in hand, pursuant to 19-A M.R.S. §4011(1); and
 - c. That person knowingly violated any condition of the Order.
 - d. Officers must recognize that a person who obtains a Protection From Abuse Order cannot violate the order regardless of any action taken by the person or the defendant; the order only constrains the defendant.

8. Enforcement of a Violation of a Protection Order

Pursuant to 19-A M.R.S. §4012(5), in-custody arrest is mandatory for any violation of a protective order.

L. Agency Follow Up if Victim is Seriously Injured or Killed

The Chief Law Enforcement Officer (CLEO) of this agency shall cause to have this policy reviewed, and document the agency's compliance with policy, in the event that a victim of domestic violence who resided in this agency's jurisdiction is killed or seriously injured during the time that any temporary or permanent Protection from Abuse order (PFA) was in effect or there had been past agency involvement related to interactions between the perpetrator and the victim. The review shall be conducted in consultation with a domestic violence advocate as defined in 16 M.R.S. §53-B(1)(A)

and a sworn law enforcement officer designated or trained as a domestic violence investigator. A report shall be prepared and kept on file with the agency.

In any case where one or more victims are killed, a copy of the report shall be forwarded to the Maine Domestic Abuse Homicide Review Panel through the Maine Office of the Attorney General.

PER ORDER OF: _____

Chief Executive Officer

DRAFT

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: _____

Appendix 2
ODARA Item Summary¹

Do not use without full scoring instructions.

Score each item “1” if present, “0” if not present

Score with “?” if unclear or ambiguous (available documentation indicates that an item might be present but the information is unclear or ambiguous)

- 1. _____ Prior domestic assault in a police or criminal record
- 2. _____ Prior non-domestic assault in police or criminal record
- 3. _____ Prior custodial sentence of 30 days or more
- 4. _____ Failure on prior conditional release; bail, deferred disposition, probation, protective/no-contact order
- 5. _____ Threat to harm or kill at the index assault
- 6. _____ Confinement of victim at the index assault
- 7. _____ Victim concern about future assaults
- 8. _____ More than one child
- 9. _____ Victim’s biological child from a previous partner
- 10. _____ Prior violence incident against a non-domestic partner
- 11. _____ Two or more indicators of substance abuse
- 12. _____ Assault on the index victim when she was pregnant
- 13. _____ Barriers to victim support

_____ Raw total (sum of items scored “1”)

_____ Final/Adjusted Score (see table Final/Adjusted Scores for Assessments with Unclear or Ambiguous Information)

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

APPENDIX 3
PREDOMINANT AGGRESSOR ANALYSIS DECISION TREE

