

§2803-B. Requirements of law enforcement agencies

1. Law enforcement policies. All law enforcement agencies shall adopt written policies regarding procedures to deal with the following:

- A. Use of physical force, including the use of electronic weapons and less-than-lethal munitions; [PL 2009, c. 336, §18 (AMD).]
- B. Barricaded persons and hostage situations; [PL 1993, c. 744, §5 (NEW).]
- C. [PL 2013, c. 147, §16 (RP).]
- D. Domestic violence, which must include, at a minimum, the following:
 - (1) A process to ensure that a victim receives notification of the defendant's release from jail;
 - (2) A process for the collection of information regarding the defendant that includes the defendant's previous history, the parties' relationship, whether the commission of an alleged crime included the use of strangulation as defined in Title 17-A, section 208, subsection 1, paragraph C, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made;
 - (3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and giving the victim the option of at least 24 hours' notice to each party prior to the retrieval;
 - (4) Standard procedures to ensure that protection from abuse orders issued under Title 19-A, section 4108 or 4110 are served on the defendant as quickly as possible;
 - (5) A process for the administration of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety and the conveyance of the results of that assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the domestic violence occurred; and
 - (6) A process to ensure that, when a person files multiple, separate complaints regarding the behavior of another person that may indicate a course of conduct constituting stalking, as defined in Title 17-A, section 210-A, those complaints are reviewed together to determine if the other person has engaged in stalking under Title 17-A, section 210-A; [PL 2023, c. 235, §§6-8 (AMD).]
- E. Hate or bias crimes. A policy adopted under this paragraph must include a policy statement that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of the law enforcement agency, states that individuals may be stopped or detained only when legal authority exists to do so and states that members of the law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information; [PL 2019, c. 410, §2 (AMD).]
- F. Police pursuits; [PL 1993, c. 744, §5 (NEW).]
- G. Citizen complaints of police misconduct; [PL 2003, c. 370, §1 (AMD).]
- H. Criminal conduct engaged in by law enforcement officers; [PL 2003, c. 656, §1 (AMD); PL 2003, c. 677, §1 (AMD).]
- I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; [RR 2003, c. 2, §89 (COR).]

J. Public notification regarding persons in the community required to register under Title 34-A, chapters 15 and 17; [PL 2013, c. 147, §17 (AMD).]

J. **(REALLOCATED TO T. 25, §2803-B, sub-§1, ¶K)** [RR 2003, c. 2, §91 (RAL); PL 2003, c. 677, §3 (NEW).]

K. **(REALLOCATED FROM T. 25, §2803-B, sub-§1, ¶J)** Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in murder, Class A, Class B and Class C crimes and the preservation of investigative notes and records in such cases; [PL 2019, c. 466, §1 (AMD).]

K-1. Digital, electronic, audio, video or other recording of law enforcement interviews of witnesses in murder investigations and Class A, Class B and Class C crime investigations and the preservation of records in such investigations. A policy adopted under this paragraph may not require the recording of all witness interviews, but must factor in the feasibility of recording individual interviews, taking into account the circumstances of the witness, the time and place of the interview and the crime as well as the capability of the law enforcement agency to record the interview; [PL 2021, c. 381, §1 (NEW).]

L. Mental illness and the process for involuntary commitment, and the process pursuant to Title 34-B, section 3862-A; [PL 2021, c. 342, §1 (AMD).]

M. Freedom of access requests. The chief administrative officer of a municipal, county or state law enforcement agency shall certify to the board annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief administrative officer has designated a person who is trained to respond to a request received by the agency pursuant to Title 1, chapter 13; [PL 2023, c. 394, Pt. A, §7 (AMD).]

N. Unannounced execution of search warrants; and [PL 2023, c. 394, Pt. A, §8 (AMD).]

O. By January 1, 2024, the confidentiality of attorney-client communications, which must include, at a minimum, processes to protect and ensure confidentiality of attorney-client communications and processes to be followed in the event that there is a breach of attorney-client confidentiality. [PL 2023, c. 394, Pt. A, §9 (NEW).]

The chief administrative officer of each agency shall certify to the board that attempts were made to obtain public comment during the formulation of policies.

[PL 2023, c. 235, §§6-8 (AMD); PL 2023, c. 394, Pt. A, §§7-9 (AMD).]

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy pursuant to subsection 1 with the exception of the freedom of access policy under subsection 1, paragraph M. Minimum standards of new mandatory policies enacted by law must be adopted by the board no later than December 31st of the year in which the law takes effect.

[PL 2013, c. 147, §21 (RPR).]

3. Agency compliance. The chief administrative officer of each law enforcement agency shall certify to the board annually no later than January 1st of each year that the agency has adopted written policies consistent with the minimum standards established or amended by the board and that all officers have received orientation and training with respect to new mandatory policies or new mandatory policy changes pursuant to subsection 2. New mandatory policies enacted by law must be implemented by all law enforcement agencies no later than the July 1st after the board has adopted the minimum standards.

[PL 2013, c. 147, §22 (RPR).]

4. Penalty.

[PL 2005, c. 331, §17 (RP).]

5. Annual standards review. The board shall review annually the minimum standards for each policy to determine whether changes in any of the standards are necessary to incorporate improved procedures identified by critiquing known actual events or by reviewing new enforcement practices demonstrated to reduce crime, increase officer safety or increase public safety.

[PL 1993, c. 744, §5 (NEW).]

6. Freedom of access.

[PL 2013, c. 147, §23 (RP).]

7. Certification by record custodian.

[PL 2013, c. 147, §24 (RP).]

SECTION HISTORY

PL 1993, c. 744, §5 (NEW). PL 2001, c. 686, §B1 (AMD). RR 2003, c. 2, §§89-91 (COR). PL 2003, c. 185, §1 (AMD). PL 2003, c. 361, §1 (AMD). PL 2003, c. 370, §§1-4 (AMD). PL 2003, c. 656, §§1-4 (AMD). PL 2003, c. 677, §§1-4 (AMD). PL 2005, c. 331, §§16,17 (AMD). PL 2005, c. 331, §33 (AFF). PL 2005, c. 397, §C17 (AMD). PL 2009, c. 336, §18 (AMD). PL 2009, c. 451, §§1-5 (AMD). PL 2009, c. 652, Pt. A, §§37, 38 (AMD). PL 2011, c. 265, §§2-4 (AMD). PL 2011, c. 640, Pt. D, §1 (AMD). PL 2011, c. 680, §§4-6 (AMD). PL 2013, c. 147, §§16-24 (AMD). PL 2015, c. 329, Pt. A, §14 (AMD). PL 2019, c. 410, §2 (AMD). PL 2019, c. 411, Pt. C, §3 (AMD). PL 2019, c. 411, Pt. D, §3 (AFF). PL 2019, c. 466, §1 (AMD). PL 2021, c. 342, §§1-3 (AMD). PL 2021, c. 381, §1 (AMD). PL 2021, c. 647, Pt. B, §56 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). RR 2021, c. 2, Pt. A, §88 (COR). PL 2023, c. 235, §§6-8 (AMD). PL 2023, c. 394, Pt. A, §§7-9 (AMD).

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