


<b>POLICY TITLE: CANINE DRUG SEARCHES</b>		<b>PAGE 1 OF 3</b>
<b>POLICY NUMBER: 9.10 - ACC</b>		
<b>CHAPTER 9: SUPERVISION AND CASE MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Adult Community Corrections</b> <b>Approved by Commissioner</b>  <i>Dr. Joseph R. Fitzpatrick</i>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> <b>October 2, 2006</b>	<b>LATEST REVISION:</b> <b>September 2, 2014</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Adult Community Corrections

**III. POLICY**

It is the policy of the Department of Corrections, Adult Community Corrections, to exercise canine drug search powers within the requirements of the law.

**IV. CONTENTS**

Procedure A: Canine Drug Search, General  
 Procedure B: Documentation

**V. ATTACHMENTS**

None

**VI. PROCEDURES**

**Procedure A: Canine Drug Search, General**

1. A Probation Officer, after consultation with the Regional Correctional Administrator, or designee, may require a canine drug search of the residence or vehicle of a person under the supervision or in the custody of the Department of Corrections if the conditions of the person's probation, parole, supervised release for sex

offenders or release from a departmental correctional facility to Supervised Community Confinement include a condition requiring the person to submit to a search for illegal drugs.

2. If the Probation Officer requires a canine drug search, the Probation Officer shall request the assistance of a canine drug search team consisting of a dog and a handler, who may be either a law enforcement officer or a corrections officer, provided both the dog and the handler are currently certified by the Maine Criminal Justice Academy to conduct drug searches.
3. A Probation Officer requesting a canine drug search team shall comply with the canine drug search policies and procedures of the agency providing the canine drug search team.
4. If the person under the supervision or in the custody of the Department of Corrections is present, prior to commencing the search of the residence or vehicle, the Probation Officer shall request that the handler walk the dog past the person under supervision or in the custody of the Department of Corrections.
5. While the residence or vehicle is being searched, the person may not be present but shall be required to stay in a safe place as determined by the Probation Officer.
6. The Probation Officer requesting the assistance of the canine drug search team shall be present during the search. Only the requesting Probation Officer, other probation officers, and any other law enforcement or corrections officers assisting with the search may be present while the search is conducted.
7. If the person refuses to allow the canine drug search, the Probation Officer shall consider whether conducting the search without the person's cooperation is necessary to protect public safety or whether initiating revocation proceedings without conducting the search or some other response would be sufficient.
8. If the Probation Officer decides to conduct the canine drug search without the person's cooperation, the person shall be arrested for a violation of the condition of supervision or release and any other precautions necessary shall be taken prior to the search being conducted.
9. If illegal drugs or drug paraphernalia are found as a result of the search, the Probation Officer shall seize them and contact an appropriate law enforcement agency to determine whether new criminal charges will be brought.

**Procedure B: Documentation**

1. Whenever a canine drug search is conducted, the Probation Officer shall document the search in CORIS. This documentation shall include:
  - a. The name of the requesting Probation Officer;

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- b. The name and title of any other person assisting with or present during the search;
- c. The date, time and place of the search;
- d. Whether the handler walked the dog past the person under supervision or in custody and, if so, the result;
- e. The type and basis of the search (e.g., canine drug search of vehicle pursuant to condition of parole) and the results of the search;
- f. A description of any item seized and its disposition; and
- g. A description of any damage occurring during the search and how it occurred, regardless of whether the damage was done by a Probation Officer or someone else.

**VII. PROFESSIONAL STANDARDS**

**None**

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