

<b>POLICY TITLE: HARASSMENT NOTICES, PROTECTIVE ORDERS, AND FIREARMS RELINQUISHMENT ORDERS</b>		<b>PAGE 1 OF 9</b>
<b>POLICY NUMBER: 6.5</b>		
<b>CHAPTER 6: VICTIM SERVICES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
	<b>EFFECTIVE DATE:</b> <b>July 11, 2000</b>	<b>LATEST REVISION:</b> <b>January 3, 2023</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 17-A M.R.S.A. Section 506-A and 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Entire Department of Corrections

**III. POLICY**

It is the policy of the Department of Corrections to protect victims and other persons from harassment or abuse by adult or juvenile facility residents or adult or juvenile community corrections clients.

**IV. DEFINITIONS**

1. Facility law enforcement officer - facility correctional investigative officer (detective) or facility Special Investigations and Intelligence Unit (SII) officer.

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**VI. ATTACHMENTS**

Attachment A: Maine Department of Corrections Harassment Notice ([Fillable/Paper](#))

**VII. PROCEDURES**

**Procedure A: Harassment Notices, Protective Orders, and Firearms Relinquishment Orders, General**

1. This policy governs harassment notices issued and served by the Department of Corrections under Title 17-A, section 506-A against adult facility residents and adult community corrections clients. Note: the law does not allow the Department to issue its own harassment notices against or to serve harassment notices issued by other criminal justice agencies on juvenile facility residents or juvenile community corrections clients or any other persons except for adult facility residents and adult community corrections clients.
2. Harassment notices may be issued and served by the Department at the request of members of the community, as well as at the request of staff, student interns, or volunteers.
3. This policy also governs harassment notices issued and served by other criminal justice agencies under Title 17-A, section 506-A; protection from harassment orders (including consent decrees) issued by courts pursuant to Title 5, section 4654 or 4655; and protection from abuse orders (including consent decrees) issued by courts pursuant to Title 19-A, section 4108 or 4110 (or former section 4006 or 4007) against adult and juvenile facility residents and against adult and juvenile community corrections clients.
4. If, at any time, facility classification staff learns, as a result of an electronic records check, that there is an active protection from harassment order (including a consent decree) or protection from abuse order (including a consent decree) issued by a court and served by another criminal justice agency against an adult or juvenile facility resident, they shall make an entry in CORIS documenting the court and docket number, the names of the parties, the type of protective order, the name of the serving agency, the date of service of the order, the date of expiration of the order, and, if applicable, whether a firearms relinquishment order was also included with the order.
5. If, at any time, any other Department staff learns of the possible existence of an active protection from harassment order (including a consent decree) or protection from abuse order (including a consent decree) issued by a court and served by another criminal justice agency against an adult or juvenile facility resident or adult or juvenile community corrections client, they shall inform the relevant facility law enforcement officer, probation officer, or juvenile community corrections officer, as applicable. That officer shall obtain a copy of the order from the court or serving agency, and, if it is still in effect, the officer shall make an entry in CORIS documenting the court and docket number, the names of the parties, the type of protective order, the name of the serving agency, the date of service of the order, the date of expiration of the order, and, if applicable, whether a firearms relinquishment order was also included with the order.

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6. If, at any time, any Department staff learns of the possible existence of an active harassment notice served by another criminal justice agency against an adult or juvenile facility resident or adult or juvenile community corrections client, they shall inform the relevant facility law enforcement officer, probation officer, or juvenile community corrections officer, as applicable. That officer shall obtain a copy of the notice from the serving agency, and, if it is still in effect, the officer shall make an entry in CORIS documenting the names of the parties, the name of the serving agency, the date of service of the notice, and the date of expiration of the notice.
7. This policy does not govern any harassment or abuse by staff, student interns, or volunteers, which shall be handled in accordance with applicable Department personnel and other policies.
8. This policy does not govern any harassment or abuse by facility residents against other residents, which shall be handled in accordance with applicable Department disciplinary and other policies.
9. This policy does not govern any harassment or abuse by members of the community against staff, facility residents, community corrections clients, or other persons, which shall be handled by referring the matter to law enforcement officers from other criminal justice agencies.
10. Nothing in this policy prevents a facility resident from being disciplined due to their having harassed any other person, regardless of whether or not there has been issued a harassment notice against them.

**Procedure B: Department Harassment Notice against Adult Resident**

1. The Chief Administrative Officer, or designee, of each adult correctional facility shall ensure that practices are in place to notify residents of the facility to not engage in any course of conduct with the intent to harass, torment, or threaten another person when requested by the person who is the subject of the conduct.
2. If the Department's Director of Victim Services, or designee, is contacted directly by a person who is the subject of the conduct and who is making a request for a harassment notice, the Director, or designee, shall contact a facility law enforcement officer and provide contact information for the person who made the request. If the facility is contacted directly, a facility law enforcement officer shall notify the Director of Victim Services, or designee, of the contact and provide the contact information.
3. The facility law enforcement officer or the Department's Director of Victim Services, or designee, as applicable, shall request from the person a description of the harassing conduct and any evidence of the harassment. The description and any evidence shall be shared between the facility law enforcement officer and the Department's Director of Victim Services, or designee.
4. The facility law enforcement officer shall interview the resident identified as the harasser and take their statement, if any. The facility law enforcement officer shall conduct any further investigation deemed necessary.

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5. The facility law enforcement officer shall review the request, the statements of the person making the request and the resident, any evidence provided, and any other relevant information and determine whether the resident did or did not engage in harassing conduct.
6. If it is determined that the resident did not engage in harassing conduct, the facility law enforcement officer shall so notify the Department's Director of Victim Services, or designee. The facility law enforcement officer, or the Director, or designee, depending on who was first contacted, shall notify the person who requested the notice.
7. If it is determined that the resident did engage in harassing conduct, the facility law enforcement officer shall forbid them to engage in any further conduct with the intent to harass, torment, or threaten the other person, by serving the Maine Department of Corrections Harassment Notice (Attachment A).
8. The facility law enforcement officer shall also inform the resident that failure to comply could result in criminal prosecution, as well as disciplinary action, and, if applicable, revocation of probation or supervised release for sex offenders.
9. The facility law enforcement officer shall make an entry in CORIS documenting the names of the parties and the date of service of the notice.
10. A copy of the notice shall be placed in the resident's Administrative Record, with a copy to the Department's Director of Victim Services, or designee, who shall notify the person requesting the notice that it was served.
11. If it is determined at a later point that the resident did not engage in harassing conduct or if the person who had requested the notice asks that it be withdrawn and it appears that the person is requesting the withdrawal of their own free will, the facility law enforcement officer shall withdraw the notice, noting the withdrawal in CORIS, and so notify the resident and the Department's Director of Victim Services, or designee. The facility law enforcement officer, or the Director, or designee, depending on who was first contacted, shall notify the person who had requested the notice.
12. Unless a notice is withdrawn, it shall remain in effect until the resident is released from the custody of the Department or, if applicable, until the Department's subsequent supervision of the person in the community ends, whichever is later.
13. A facility law enforcement officer shall not issue a harassment notice that purports to be in effect after the end of custody and/or supervision, but the officer may contact a law enforcement officer from another criminal justice agency with a request that they issue and serve such a notice.
14. If appropriate, actions may be taken pursuant to other Department policies, including, but not limited to, disciplinary action, preventing the resident from sending mail to the other person, blocking the other person's telephone number, etc.

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**Procedure C: Department Harassment Notice against Adult Community Corrections Client**

1. The Regional Correctional Administrator, or designee, of each adult community corrections region shall ensure that practices are in place to notify clients in the region to not engage in any course of conduct with the intent to harass, torment, or threaten another person when requested by the person who is the subject of the conduct.
2. If the Department's Director of Victim Services, or designee, is contacted directly by a person who is the subject of the conduct and who is making a request for a harassment notice, the Director, or designee, shall contact the client's probation officer and provide contact information for the person who made the request. If a regional community corrections office is contacted directly, the client's probation officer shall notify the Director of Victim Services, or designee, of the contact and provide the contact information.
3. The probation officer or the Department's Director of Victim Services, or designee, as applicable, shall request from the person a description of the harassing conduct and any evidence of the harassment. The description and any evidence shall be shared between to the probation officer and the Department's Director of Victim Services, or designee.
4. The probation officer shall interview the client identified as the harasser and take their statement, if any. The probation officer shall conduct any further investigation deemed necessary.
5. The probation officer shall review the request, the statements of the person making the request and the client, any evidence provided, and any other relevant information and determine whether the client did or did not engage in harassing conduct.
6. If it is determined that the client did not engage in harassing conduct, the probation officer shall so notify the Department's Director of Victim Services, or designee. The probation officer, or the Director, or designee, depending on who was first contacted, shall notify the person who requested the notice.
7. If it is determined that the client did engage in harassing conduct, the probation officer shall forbid them to engage in any further conduct with the intent to harass, torment, or threaten the other person, by serving the Maine Department of Corrections Harassment Notice (Attachment A).
8. The probation officer shall also inform the client that failure to comply could result in criminal prosecution, as well as revocation of probation, supervised release for sex offenders, supervised community confinement, or parole, as applicable.
9. The probation officer shall make an entry in CORIS documenting the names of the parties and the date of service of the notice.
10. A copy of the notice shall be placed in the client's file, with a copy to the Department's Director of Victim Services, or designee, who shall notify the person requesting the notice that it was served.

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11. If it is determined at a later point that the client did not engage in harassing conduct or if the person who had requested the notice asks that it be withdrawn and it appears that the person is requesting the withdrawal of their own free will, the probation officer shall withdraw the notice, noting the withdrawal in CORIS, and so notify the client and the Department's Director of Victim Services, or designee. The probation officer, or the Director, or designee, depending on who was first contacted, shall notify the person who had requested the notice.
12. Unless a notice is withdrawn, it shall remain in effect until the Department's supervision of the client in the community ends or, if applicable, they are released from the subsequent custody of the Department, whichever is later.
13. A probation officer shall not issue a harassment notice that purports to be in effect after the end of supervision and/or custody, but the officer may contact a law enforcement officer from another criminal justice agency with a request that they issue and serve such a notice.
14. If appropriate, actions may be taken pursuant to other Department policies, including, but not limited to, the initiation of proceedings for revocation of probation, supervised release for sex offenders, supervised community confinement, or parole, as applicable, etc.

**Procedure D: Court Protective Order and Firearms Relinquishment Order against Adult or Juvenile Facility Resident**

1. Upon being notified by classification staff that an electronic records check has revealed a possible suppressed (unserved) protection from harassment order or protection from abuse order against an adult or juvenile facility resident, a facility law enforcement officer shall attempt to confirm its existence and whether it is still in effect. If so, the officer shall obtain a copy of the order from the court and ensure it is served as soon as possible.
2. If, at any time, a facility law enforcement officer receives an unserved temporary, interim, or emergency protection from harassment order or unserved temporary, interim, or emergency protection from abuse order against an adult or juvenile facility resident from a court, the officer shall ensure the order, as well as the complaint and summons, is served as soon as possible.
3. If, at any time, a facility law enforcement officer receives an unserved permanent protection from harassment order (including a consent decree) or unserved permanent protection from abuse order (including a consent decree) against an adult or juvenile facility resident from a court, the officer shall ensure the order is served as soon as possible.
4. If, at any time, a facility law enforcement officer receives an unserved temporary, interim, or emergency protection from harassment order or unserved temporary, interim, or emergency protection from abuse order against an adult or juvenile facility resident from the complainant, the officer shall obtain a copy of the order from the court and ensure the order, if still in effect, as well as the complaint and summons, is served as soon as possible.
5. If, at any time, a facility law enforcement officer receives an unserved permanent protection from harassment order (including a consent decree) or unserved permanent

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protection from abuse order (including a consent decree) against an adult or juvenile facility resident from the complainant, the officer shall obtain a copy of the order from the court and ensure the order, if still in effect, is served as soon as possible.

6. If, along with a protection from abuse order (or consent decree), there is also a firearms relinquishment order, the facility law enforcement officer shall ensure the firearms relinquishment order, as well as the Information Regarding the Relinquishment of Firearms and Weapons form, and, if applicable, the Notice of Relinquishment of Weapons to be Completed by Defendant form, is also served.
7. After serving any of the above, the facility law enforcement officer shall send the return of service, along with the Protection Order Data Collection Sheet and, if applicable, the Notice of Relinquishment of Weapons to be Completed by Law Enforcement form, to the court. If applicable, the facility law enforcement officer shall contact the law enforcement agency in the community in which weapons to be relinquished are located to inform it of the order and shall note the contact on the form.
8. The facility law enforcement officer shall make an entry in CORIS documenting the court and docket number, the names of the parties, the type of protective order, the date of service of the order, the date of expiration of the order, and, if applicable, whether a firearms relinquishment order was also served and whether a law enforcement agency in the community was contacted.
9. A copy of the order and other documents served on the resident and/or returned to the court shall be placed in the resident's Administrative Record or Master Record, as applicable, with a copy to the Department's Director of Victim Services, or designee.

**Procedure E: Continued Harassment or Abuse by Adult or Juvenile Facility Resident**

1. If, after a harassment notice or protective order has been served on an adult or juvenile facility resident, the person requesting the notice or order reports or it is otherwise discovered that there has been continued harassment or abuse, the matter shall be referred to a facility law enforcement officer for investigation.
2. If continued harassment or abuse is substantiated and the notice or order is still in effect, the facility law enforcement officer shall refer the matter to the appropriate prosecutor's office for possible criminal or juvenile criminal prosecution. The matter shall also be referred, regardless of whether or not the notice or order is still in effect, if conduct is substantiated that is in violation of another criminal statute, as applicable.
3. If the resident has probation or supervised release for sex offenders to follow their time in custody, the facility law enforcement officer shall also refer the matter to the appropriate probation officer or juvenile community corrections officer, as applicable, for a possible revocation motion.
4. Regardless of whether or not a prosecution or revocation motion is likely to result, if the harassing or abusive conduct or other criminal conduct is substantiated by the facility law enforcement officer, the officer shall complete a disciplinary report as set out in Department Policy 20.1 (AF), Adult Resident Discipline or 15.3 (JF), Resident Discipline System, as applicable.

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5. The facility law enforcement officer shall notify the Department's Director of Victim Services, or designee, of the outcome of the investigation, referral to the prosecutor and/or the probation officer or juvenile community corrections officer, if applicable, and disciplinary proceeding, if applicable. The Department's Director of Victim Services, or designee, shall notify the person who requested the notice or order of any of this information that is not confidential.

**Procedure F: Continued Harassment or Abuse by Adult or Juvenile Community Corrections Client**

1. If, after a harassment notice or protective order has been served on an adult or juvenile community corrections client, the person requesting the notice or order reports or it is otherwise discovered that there has been continued harassment or abuse and the notice or order is still in effect, the matter shall be referred to the relevant law enforcement agency in the community for investigation for possible criminal or juvenile criminal prosecution. The matter shall also be referred, regardless of whether or not the notice or order is still in effect, if conduct is discovered that is in violation of another criminal statute.
2. Regardless of whether a prosecution is likely to result from the referral, if there is probable cause to believe that the client has continued to engage in harassing or abusive conduct or other criminal conduct, the probation officer or juvenile community corrections officer, as applicable, shall decide, pursuant to the applicable Department policy, whether to initiate proceedings for revocation of probation, supervised release for sex offenders, supervised community confinement, or parole, or whether to revoke conditional release, as applicable.
3. The probation officer or juvenile community corrections officer, as applicable, shall notify the Department's Director of Victim Services, or designee, of the outcome of the investigation and of any subsequent referral for prosecution and of the officer's decision regarding revocation. The Department's Director of Victim Services, or designee, shall notify the person who requested the notice or order of any of this information that is not confidential.

**Procedure G: Release from Facility of an Adult or Juvenile Resident**

1. At least seventy-two (72) hours prior to an adult or juvenile resident's release, the resident's case manager or social worker, as applicable, shall review CORIS to determine if any harassment notice (against an adult facility resident), protection from harassment order, or protection from abuse order and, if applicable, firearms relinquishment order has been served on the resident by any facility law enforcement officer and if the notice or order will remain in effect after the resident's release. Note: if an adult facility resident is not being released to any form of supervision by adult community corrections, then any harassment notice issued by facility law enforcement will not remain in effect after the resident's release.
2. If there is any such notice or order that will remain in effect after the resident's release, the resident's case manager or social worker, as applicable, shall notify the relevant law enforcement agency in the community by phone and email of the notice or order and the relevant details. For a harassment notice, this shall include the names of the parties, the date of service of the notice, the date of the resident's release, the resident's address in

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the community, if known, and the expected end date of the resident's supervision by adult community corrections. For a protective order, this shall include the court and docket number, the names of the parties, the type of order, the date of service of the order, the date of the resident's release, the resident's address in the community, if known, the date of expiration of the order, and, if applicable, whether a firearms relinquishment order was also served.

3. If the area in which the resident plans to live is known, this notification shall be made to the law enforcement agency(s) with primary jurisdiction for that area (municipal police, sheriff's department, and/or State Police). If, in the case of a protection from harassment or protection from abuse order, the area in which the resident plans to live is not known, this shall be the sheriff's department for the county in which the court issuing the order is located. If, in the case of a harassment notice, the area in which the resident plans to live is not known, this shall be the State Police.
4. The staff making the notification shall document in CORIS the agency notified, the name of the person notified, the method(s) of notification, and the date of notification.

### **VIII. PROFESSIONAL STANDARDS**

None

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