PISCATAQUIS COUNTY SHERIFF'S OFFICE

Policy – 12

Effective Date: 11/09/2011

Revised & Reviewed: 01/01/2018

All Sworn Personnel

Revised & Reviewed: 08/04/2026

I. PURPOSE

This policy's purpose is to provide guidelines for personnel regarding the Attorney General's Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons (hereinafter "death investigation protocol), as well as the Medical Examiner's Act.

II. POLICY

It is the policy of the Piscataquis County Sheriff's Office [PCSO] to recognize the importance of death scene control and that all investigative procedures must, at a minimum, comply with the death investigation protocol, as well as the laws governing the Office of the Chief Medical Examiner. It is also the policy PCSO that its members assist the appropriate death investigative agency as outlined in the Attorney General's protocol.

III. PROCEDURES – Death Investigations

A. Deaths

1. Deputies of PCSO are required to follow the procedures outlined in Section III of the death investigation protocol for all cases involving death, probable death, or missing persons under suspicious or unusual circumstances.

2. Deputies are required to assist the appropriate investigating agency as designated by the protocol, as well as assist the Office of the Chief Medical Examiner.

B. Cases Involving Fire & Explosion Deaths

1. Deputies are required to follow the procedures outlined in Section IV-A of the death investigation protocol.

2. Deputies are required to assist the Office of the State Fire Marshal, the designated Major Crimes Unit, and the Office of the Chief Medical Examiner in these investigations.

3. The federal Public Safety Officers Benefits (PSOB) Program provides death and education benefits to survivors of fallen firefighters, and the State Fire Marshal is the entity that carries out the provisions of a Line-of-Duty Death Response Plan that will assure compliance with the requirements of the PSOB Program.

C. Cases Involving Hunting Deaths

1. Deputies are required to follow the procedures outlined in Section IV-B of the death investigation protocol.

2. Deputies are required to assist the Maine Warden Service, the designated Major Crimes Unit, and the Office of the Chief Medical Examiner in these investigations.

D. Cases Involving Deaths while in Custody or Confinement

1. The Sheriff, Chief Deputy and Jail Administrator will be immediately notified. Deputies of PCSO are required to follow the procedures outlined in Section IV-C of the death investigation protocol.

2. If a death occurs at the jail [or holding facility, correctional institution, or mental health facility], deputies are required to assist the designated Major Crimes Unit, the Department of Corrections, and the Office of the Chief Medical Examiner in these investigations.

3. Deputies are required to assist the Office of the Attorney General and the Office of the Chief Medical Examiner in investigations of a death that occurs while in police custody.

E. Cases Involving Police-Involved Deaths

1. Deputies are required to follow the procedures outlined in Section IV-D of the death investigation protocol, as well as the separate protocol for the Reporting and Investigation of the Use of Deadly Force. (Appendix #2)

2. Deputies are required to assist the Office of the Attorney General and the Office of the Chief Medical Examiner in these investigations.

F. Cases Involving Workplace Deaths

1. Deputies are required to follow the procedures outlined in Section IV-E of the death investigation protocol.

2. Deputies are required to assist the designated Major Crimes Unit Office, the Federal Occupational Health & Safety Administration (OSHA), the Maine Bureau of Labor Standards (BLS), and the Office of the Chief Medical Examiner in these investigations.

G. Cases Involving Child Deaths

1. Deputies are required to follow the procedures outlined in Section II, III and IV-F of the death investigation protocol for the death of a child less than 3 years of age.

2. Deputies are required to assist the designated Major Crimes Unit and the Office of the Chief Medical Examiner in these investigations.

H. Cases Involving Drug Overdose Deaths or Serious Bodily Injury

1. Deputies are required to follow the procedures outlined in Section IV-H of the death investigation protocol.

2. PCSO is primarily responsible for all aspects of these investigations including proper crime scene processing and coordination with the Office of the Chief Medical Examiner, the Maine Drug Enforcement Agency, and the designated Major Crimes Unit.

3. Deputies are required to conduct a proper inventory that includes the name of the drug, the dosage, the date of prescription, the number of pills prescribed, the number of

pills remaining, the physician's name, and the pharmacy name. If there is reason to believe that the victim ingested medications in the household prescribed to someone else, those medications should likewise be inventoried. (Appendix #3)

I. Cases Involving In-water Deaths

1. Deputies of PCSO are required to follow the procedures outlined in Section II, III and IV-I of the death investigation protocol.

2. PCSO is primarily responsible for all aspects of these investigations including proper crime scene processing and coordination with the Office of the Chief Medical Examiner and the designated Major Crimes Unit.

J. Cases Involving Suicide

1. Deputies are required to follow the procedures outlined in Section II, III and IV-G of the death investigation protocol.

2. If the deceased is less than 18 years of age or is in custody or confinement, the designated Major Crimes Unit will investigate the death (or anticipated death).

IV. PROCEDURES – Release of Public Information

A. Deputies are required to follow the procedures outlined in Section V of the death investigation protocol, as well as the section labeled "Public Statements" in the Protocol for the Reporting and Investigation of the Use of Deadly Force (Appendix 2).

B. Deputies are not authorized to release public statements. These public statements are to be released only under the authority of the Office of the Attorney General, as outlined in Section V of the death investigation protocol.

C. The designated Major Crimes Unit may release information in these cases after consultation with the Office of the Attorney General and, if applicable, the Office of the Chief Medical Examiner.

Sheriff Robert Young

APPENDIX 1

Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons

AARON M. FREY, Attorney General, April 15, 2021

Augusta RCC 624-7076 800-452-4664

Bangor RCC 973-3700 800-432-7381

Houlton RCC 532-5400 800-924-2261

Bangor PD 947-7382 947-7382 x1 (CID)

Portland PD 874-8575 874-8526 (CID)

Criminal Division – Office of the Attorney General

Lisa Bogue, Deputy AG 626-8567 557-5655 798-9791

Leanne Robbin, AAG 626-8581 446-2943 751-2961

Jen Ackerman, AAG 626-8580 441-6149 228-5612

Bud Ellis, AAG 626-8833 441-1024 239-0155

Kate Bozeman, AAG 626-8514 446-2330 485-4367

Mark Rucci, AAG 626-8652 530-0718 251-5446

In all cases, contact the **Office of Chief Medical Examiner** – 1-800-870-8744 (The toll-free number is for law enforcement use only.)

FIRE AND EXPLOSION DEATH - Contact the Office of the State Fire Marshal through RCC

HUNTING DEATH - Contact the Maine Warden Service through RCC

DEATH WHILE IN CUSTODY OR CONFINEMENT (Jail, Holding Facility, Correctional Institution) - Contact the appropriate Major Crimes Unit through RCC; Contact Department of Corrections: James Hancox 530-1540 or Steven French 530-0116 or Cheryl Preble 816-1687

USE OF DEADLY FORCE BY LAW ENFORCEMENT or DEATH WHILE INTERACTING WITH LAW ENFORCEMENT

Contact Anna Love, Chief of Detectives, Attorney General's Office, 446-4937 or RCC

WORKPLACE DEATH - Contact the Office of the Chief Medical Examiner

MISSING PERSON

Under appropriate circumstances, as explained in the Protocol

Contact the appropriate Major Crimes Unit through RCC and the Office of the Chief Medical Examiner

DEATH OF A CHILD LESS THAN 3 YEARS OF AGE

Contact the appropriate Major Crimes Unit through RCC and the Office of the Chief Medical Examiner

DRUG OVERDOSE - Contact the MDEA District Supervisor through RCC

SUICIDE OF A PERSON LESS THAN 18 YEARS OF AGE

Contact the appropriate Major Crimes Unit through RCC and the Office of the Chief Medical Examiner

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I. BACKGROUND

A. The purpose of this protocol is to establish procedures for law enforcement agencies in cases involving deaths, situations where death appears imminent, situations where death is reasonably suspected, and missing persons. Timely implementation of these procedures and notifications is often critical. Accordingly, this protocol and its required notifications apply to cases of death, cases when it is reasonably anticipated that death may result, cases where death is reasonably suspected, or a missing person under suspicious or unusual circumstances.

B. Technical assistance and expertise are indispensable to the successful investigation of these cases. The Office of the Attorney General and the Office of Chief Medical Examiner will continue to rely upon the State Police Major Crimes Unit as its primary death investigative arm, except in the City of Portland and the City of Bangor, where the respective police department is the primary death investigative arm.[1]

II. IMPORTANCE OF DEATH SCENE CONTROL

Control and security of the death scene is a primary focus of these procedures. Often, the medical examiner and medico-legal death investigator can gain valuable insight into the cause, manner, and circumstances of death, as well as the time of death, from viewing the scene and viewing the body at the scene. Moreover, the scene is sometimes replete with subtle clues that could aid in the identification or discovery of a perpetrator. All, or a significant part, of this evidence could be lost through inadvertent disturbance of the scene by persons lacking the required expertise.

III. PROCEDURES IN ALL CASES

[1] 1 References to "MCU" in this Protocol mean the State Police Major Crimes Unit and the respective criminal investigation divisions of the Portland Police Department and the Bangor Police Department.

A. Initial Procedures. The first law enforcement officer at the scene of a death, a situation involving a probable death, or a missing person under suspicious or unusual circumstances should, without disturbing the body or scene: [2]

1. Conduct a cursory search of the premises for the limited purpose of determining if there are perpetrators or other victims present.

2. Determine that death has in fact occurred. If there is any evidence of life, initiate all necessary life-sustaining measures.

3. Make a cursory examination of the scene to determine if the circumstances are at all suspicious. (All deaths or injuries resulting from gunshot wounds are suspicious until a thorough investigation has determined otherwise.) If the circumstances are suspicious (or there is nobody, but there is a possibility that a death or foul play may have occurred), the following procedures will be followed:

(a) Secure and protect the scene. Do not move or otherwise disturb a body unless it is in immediate danger of destruction or further damage.

(b) Notify supervisors, the Office of Chief Medical Examiner, and MCU. The Office of Chief Medical Examiner will notify the Office of the Attorney General. If you wish, you may obtain the name and telephone number of the Attorney General Duty Officer from the Office of Chief Medical Examiner or the Regional Communications Center (RCC), enabling you to be in direct contact with the Duty Officer.

(c) Record names, addresses, telephone numbers, and other pertinent information of all persons present or assign another person to this task.

(d) Maintain a timetable of all persons arriving and leaving the scene.

(e) Unless circumstances require it, do not arrest, detain, or question a suspect without prior authorization of the MCU detective in charge or the Attorney General Duty Officer.

(f) If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing this procedure with the MCU detective in charge or the Attorney General Duty Officer. Electronically record any statements volunteered or spontaneously made by a suspect.

(g)Determine if a child has lost both parents as a result of homicide or has lost one parent and the other parent has been arrested, detained, or committed to a correctional facility or mental health facility for an offense related to a homicide, and advise MCU, which is then responsible for notifying the Maine Bureau of Child and Family Services at 800-452-1999.3

[2] See the attached Death Investigation guide.

B. In a case of an accidental death, including a motor vehicle crash, contact the Office of the District Attorney and the Office of Chief Medical Examiner.

C. Deaths NOT reportable, i.e., "attended death." A death from natural causes that is, has been, or will be certified by a physician and is not suspicious need not be reported to the Office of Chief Medical Examiner; arrange for a local medical examiner or medico-legal investigator to conduct an examination of a body at a local funeral home, or an autopsy may be conducted at the Office of Chief Medical Examiner in Augusta. In either situation, the investigating officer or a representative of the investigating agency should be available for the examination or autopsy so that the medical examiner or investigator is fully aware of all the known facts and circumstances regarding the scene and the investigation. [3]

IV. PROCEDURES FOR CASES WITH SPECIAL CIRCUMSTANCES

A. Fire or Explosion Death

The State Fire Marshal is the official representative of the Attorney General in the investigation of fires or explosions resulting in a fatality. The law enforcement officer or firefighter discovering a body in a fire or following an explosion shall notify the Office of the State Fire Marshal and the Office of Chief Medical Examiner. The scene is not to be disturbed or the body moved unless the body is in immediate danger of destruction or further damage. If the case is one of suspected arson or an otherwise suspicious death, it is to be managed as any other suspicious death, which includes notifying the appropriate MCU.

B. Hunting Death

The State Warden Service is the official representative of the Attorney General in the investigation of a hunting fatality. The law enforcement officer encountering an apparent hunting fatality shall notify the State Warden Service by calling the appropriate RCC and the Office of Chief Medical Examiner. The State Warden Service will in turn notify the appropriate MCU for assistance in conducting the investigation. The scene is not to be disturbed or the body moved unless the body is in immediate danger of destruction or further damage.

C. Death while in custody or confinement

1. Jail, Holding Facility, Correctional Institution. The death or probable death of an individual while in custody or confinement in a jail, holding facility, or correctional institution, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the

[3] When death has not occurred, but is probable or reasonably anticipated, the Office of Chief Medical Examiner needs the admission bloods from the first hospital where the patient was treated. Hospitals usually discard blood after seven days unless requested to preserve it. Accordingly, law enforcement must notify the OCME in such cases so that bloods are preserved in possible delayed deaths.

Operations Division of the Department of Corrections. The Attorney General's Office will thereafter review all investigative results.

2. Mental Health Facility. The death or probable death of an individual while in custody or confinement as a result of an order to undergo a mental health examination or involuntary committed to a mental institution following acceptance of a negotiated insanity plea or following a verdict or finding of insanity6, or having been taken into protective custody, regardless of the likely cause, manner and circumstances, is to be reported immediately to the Office of Chief Medical Examiner and the appropriate MCU. The Attorney General's Office will thereafter review all investigative results.

D. Deadly Force by Law Enforcement

When a law enforcement officer uses deadly force in the performance of the officer's duties, regardless of the outcome, immediate reporting to the Investigation Division of the Attorney General's Office is required. If death was the outcome, the Attorney General's Office will contact the Office of Chief Medical Examiner.[4]

E. Death While Interacting with Law Enforcement

The death or probable death of an individual while interacting with law enforcement, regardless of the likely cause, manner, and circumstances, requires an immediate report to the Investigation Division of the Office of the Attorney General and the Office of Chief Medical Examiner.

F. Workplace death

The "workplace manslaughter" statute may be applicable to a situation where an employee dies in the workplace. The investigation of a workplace death is the responsibility of PCSO, but requires an immediate report to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner will notify the Office of the Attorney General and, if necessary, the appropriate MCU. Itis also likely that investigators from the Occupational Health and Safety Administration (OSHA) or the Maine Bureau of Labor Standards (BLS) will be assigned to assist in the investigation. In the initial scene investigation, law enforcement deputies should treat the situation as they would a vehicular manslaughter, securing photographs, measurements, and other evidence.

G. Death of Child less than 3 years of age

Sections II and III are applicable when responding to a child death. In addition to the Office of Chief Medical Examiner, MCU is to be contacted in any case of the death of a child under the age of three years. Singling out deaths of young children for special investigation is necessary because of the different technical approach and types of inquiry required in pursuing the investigations.

H. Suicide

[4] See the attached Attorney General's Protocol for the Reporting of the Use of Deadly Force by a Law Enforcement Officer.

1. When circumstances suggest a suicide, the Office of Chief Medical Examiner must be notified.

2. Victim less than 18 years. In addition to the OCME, MCU must be notified if the victim is less than 18 years of age, or if the victim is in custody or confinement.

3. An adult person to whom a suicide note is addressed or an adult next of kin may retain the note provided a clear copy is sent to the Office of Chief Medical Examiner. Electronic submission of the copy is preferred. Do not send such material with the body.[5]

*9 State law provides that original written or recorded material, including text messages or other electronic media, which may express suicidal intent, e.g., "suicide note," must be provided to the Office of Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals. 22 M.R.S. § 3028(5). The law also declares such material to be confidential, i.e., not subject to public access.

I. Suspected Drug Overdose

Cases of a suspected drug overdose resulting in death or serious bodily injury require special attention. The purpose of the investigation in each case is to determine, to the extent possible, the cause, manner, and circumstances surrounding the drug overdose, the identity of the drug involved, and the source of the drug. Furnishing scheduled drugs that result in the death or serious bodily injury of a person is a serious crime. In all cases of suspected drug overdose, the following procedures are required:

1. Notification of the Office of Chief Medical Examiner (if death has occurred or is reasonably anticipated) and the Maine Drug Enforcement Agency (MDEA).

2. The MDEA supervisor will determine if sufficient information exists to initiate an investigation into the source of the drug(s) suspected of causing the overdose. The responding agency is primarily responsible for all aspects of the investigation, to include proper crime scene processing and coordination with the Office of Chief Medical Examiner and MDEA. The MDEA supervisor will immediately notify the appropriate prosecutor of the suspected overdose and the ensuing investigation.

3. A thorough scene investigation is necessary to determine the cause, manner, and circumstances surrounding the overdose. This includes witness statements, inventory of any drugs or drug paraphernalia, cell phone information, information about the victim's medical or mental health history, and identification of all known treating physicians. One aspect of an investigation is to determine if the victim possessed any drugs other than those legally prescribed.

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[5] State law provides that original written or recorded material, including text messages or other electronic media, which may express suicidal intent, e.g., "suicide note," must be provided to the Office of Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals. 22 M.R.S. § 3028(5). The law also declares such material to be confidential, i.e., not subject to public access.

4. Medications, illicit drugs, or substances thought to be illicit drugs at the scene are to be secured as evidence. Do not leave such evidence with the body for transport or at a funeral home. Inventory and record the evidence and fax a copy of the inventory or evidence receipt to the Office of Chief Medical Examiner at 624-7178. A proper inventory of the items includes the name of the drug, the dosage, the date of prescription, the number of pills prescribed, the number of pills remaining, the name of the prescribing physician, and the name of the dispensing pharmacy. If there is reason to believe that the victim ingested medications prescribed to someone else, those medications should likewise be inventoried. (A form for documenting this inventory is attached.)

5. The actual cause of death in suspected drug overdoses may not be readily apparent and may not be determined for several weeks pending the results of toxicology. These cases are to be investigated until the investigating agency, MDEA, and the Office of Chief Medical Examiner have determined no further investigation is necessary and/or the cause and manner of death are determined.

J. In-water Death

Deaths of persons found in water require notification to the Office of Chief Medical Examiner and may be specially investigated because of the different technical approach and types of inquiry needed in pursuing such investigations. There are three types of categories for water-related deaths: accidental, suicidal, and homicidal. When law enforcement deputies respond to the scene of an aquatic/marine related death and foul play is either obvious or suspected, the responding officer should follow this protocol as stated in Section II and III above. The decision to specially investigate will be made on a case-by-case basis by the Office of Chief Medical Examiner, usually in collaboration with an appropriate police authority and the Attorney General's Office. Even when not specially investigated, an investigation is still necessary as in any medical examiner case.

K. Missing Person

1. In addition to the requirements set out in state law in the Missing Children Act,9 the report of a missing person – child or otherwise – requires within two hours of the report the issuance of a File 6 and inclusion in the National Crime Information Center (NCIC). Notification of MCU is required if there are suspicious or unusual circumstances. An example of "unusual circumstances" is a reported absence under circumstances inconsistent with established patterns of behavior.

2. State law also requires that the Office of Chief Medical Examiner maintain information on missing persons. Accordingly, if a person reported as missing is not located within 24 hours of the report, notification to the Office of Chief Medical Examiner is required.

L. Line-of-duty death of a firefighter.

It is imperative to notify the Office of the State Fire Marshal as soon as possible in the event of the death of a firefighter in the line of duty. The federal Public Safety Deputies Benefits (PSOB) Program provides death and education benefits to survivors of fallen firefighters, and the State Fire Marshal is the entity that carries out the provisions of a

Line-of-Duty Death Response Plan that will assure compliance with the requirements of the PSOB Program.

V. PUBLIC STATEMENTS

Only the Office of the Attorney General is authorized to disseminate information or public statements in homicide or suspected homicide cases. The appropriate MCU may disseminate information in these cases only after consultation with and approval of the Office of the Attorney General.

A. Examples of information that may be released in investigations covered by this Protocol, other than homicide or suspected homicide cases:

1. Unless confidential pursuant to law, the identity of a victim, if confirmed and not in question, after notification of family or next of kin. If there is any question as to the identity, the information remains confidential.

2. Information regarding the cause, manner, and circumstances of a death, but only with authorization of and after consultation with the Office of Chief Medical Examiner and the Office of the Attorney General.

3. A brief description, e.g., hunting fatality, suspicious death, accident, time, and place, whether the investigation is in progress, and the identity of the investigating agency.

4. A warning to the public of any dangers.

5. A request for assistance in apprehending a suspect or assistance in other matters if the information released is limited to accomplishing that purpose.

6. The name of a person charged (except a juvenile), age, residence, employment, and marital status.

7. The circumstances surrounding an arrest or charge, including the time and place of the arrest, resistance, pursuit, and possession and use of weapons.

8. The substance or text of the charge, such as a complaint or formal accusation.

9. Information contained in a public record, stated so as to attribute the information to a public record.

10. The scheduling or result of any step or action in the judicial proceeding.

B. The following types of information should not be released:

1. Information as to the character, reputation, or prior criminal record or mental health history of an accused person or a prospective witness.

2. Admissions, confessions, or a statement or alibi attributable to any accused person, except as otherwise contained in a public record.

3. The performance or results of tests or the desire, agreement, or refusal of the accused or any potential witness to take or perform a test, including a polygraph examination.

4. Statements or information concerning the credibility or anticipated testimony of prospective witnesses.

5. The possibility of a plea to the offense charged or to a lesser offense, or other disposition.

6. Opinions concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or arguments will be used at trial.

7. Opinions as to the guilt of the accused, the evidence, or the merits of the case.

8. General Rule: DO NOT COMMENT ON THE EVIDENCE.

Dated: April 15, 2021 - AARON M. FREY

APPENDIX 2 - PROTOCOL FOR THE REPORTING AND INVESTIGATION OF THE USE OF DEADLY FORCE

Authority. The Attorney General has exclusive jurisdiction for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that officer's duties, uses deadly force. *11 Such use of deadly force will be the subject of an investigation or review and legal analysis by the Office of the Attorney General to determine if its use complied with the applicable provisions of law.

Detectives from the Office of the Attorney General will conduct or supervise the investigation, with the assistance of the State Police or other agencies as circumstances require.

Definitions. For purposes of this protocol, "deadly force" has the same meaning as in Title 17-A M.R.S. §2(8). "Deadly force" means physical force that a person uses with the intent of causing, or that a person knows to create a substantial risk of causing, death or serious bodily injury.12 Except as provided in section 101, subsection 513, intentionally, knowingly, or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force.

11 5 M.R.S.A. § 200-A

12 As used in subsection 8, "serious bodily injury" means a bodily injury – i.e., physical pain, physical illness or any impairment of physical condition – that creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for receiving of physical health. 17-A M.R.S.A. § 2 (5) and (23).

13 For purposes of this chapter, use by a law enforcement officer, a corrections officer or a corrections supervisor of the following is use of nondeadly force:

A. Chemical mace or any similar substance composed of a mixture of gas and chemicals that has or is designed to have a disabling effect upon human beings; or

B. A less-than-lethal munition that has or is designed to have a disabling effect upon human beings. For purposes of this paragraph, "less-than-lethal munition" means a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy.

Requirement. A law enforcement agency whose officer uses deadly force while acting in the performance of that officer's duties shall make notification of the event, as soon as practicable, to the Investigation Division of the Office of the Attorney General. The following circumstances in which physical force is used require reporting by the agency whose officer uses such physical force while acting in the performance of that officer's duties:

1. The use of physical force that in fact causes death or serious bodily injury.

2. The use of physical force under circumstances that in fact create a substantial risk of causing death or serious bodily injury, regardless of whether death or injury results.

3. The use of physical force when it is the officer's intent to cause death or serious bodily injury, regardless of whether death or injury results.

4. The discharge of a firearm in the general direction of another person or at a moving vehicle, regardless of whether the projectile strikes the person or vehicle. (It is not necessary to report the discharge of a firearm if the discharge is that of a "less-than-lethal munition," as defined in law. See Footnote 3 above. Also, it is not necessary to report the pointing of a firearm at another person.)

5. The use of a chokehold, stranglehold, carotid hold, or any other technique that physically compromises the airway or blood flow to the head, regardless of whether death or injury results.

6. Ramming an occupied vehicle, except when the Precision Immobilization Technique (PIT maneuver) is used in the manner trained and under the circumstances intended for its use and no serious bodily injury or death results.

7. A roadblock set up to terminate a vehicular pursuit when the roadblock in fact creates a substantial risk of causing death or serious bodily injury to the occupants of the fleeing vehicle or other persons and that in fact results in serious bodily injury or death.

Procedure for reporting. The use of physical force identified above must be reported as soon as practicable by the officer's agency to the Investigation Division of the Office of the Attorney General.

Contact Investigation Division of the Attorney General's Office through RCC Preservation of the scene, electronic media, and witnesses. The scene shall be preserved and cordoned, and involved deputies separated by available law enforcement officials until the arrival of a detective from the Office of the Attorney General or a designee whose responsibility is to coordinate the investigation and/or to process the scene. Preserve as soon as possible any electronic media, such as cruiser or body camera video recordings. Other than what is necessary to identify and preserve such recordings, no involved deputies may view such recordings prior to the deputies giving a statement. Do not disturb the scene. In the case of a death, the body of the deceased is not to be moved or disturbed in any way until authorized by the Attorney General's Office or the Office of Chief Medical Examiner, unless the body is in immediate danger of destruction or further damage. Other personnel authorized to access the scene are evidence technicians of the State Police or other agencies or other personnel designated and dispatched under the authority of the Attorney General.

Interviews of deputies. During the Attorney General's investigation, no member or representative of an involved law enforcement officer's agency may be present during interviews of the officer, unless previously authorized by the Attorney General's Director of Investigations or the Director's designee. No agent of an involved law enforcement officer's agency may issue any order or instruction of any type concerning whether the officer should or should not speak with a detective from the Office of the AttorneyGeneral.14Public Statements. No media statements or other public comments regarding a determination of an involved officer's legal justification or criminal culpability may be made or given except by the Office of the Attorney General. Other public comments, particularly as they relate to the facts of a particular event, may not be

made or given without prior authorization and coordination with the Office of the Attorney General. Release of the name of an involved officer will be postponed until the officer and the head of the officer's employing agency are notified that the information will be released.15 The name of a decedent or injured person may be released after the family or next of kin is notified.

The following guidelines relate to the investigation by the Office of the Attorney General of the use of deadly force by a law enforcement officer in the performance of that officer's duties and govern the release of information to the media or the public during the pendency of the investigation.

Examples of information that may be released:

1.The fact that an incident involving the use of deadly force occurred and, pursuant to statutory requirements, is being investigated by the Office of the Attorney General.

2.The fact that the investigation is focused upon a determination of whether deadly force was in fact used and whether the use complied with the applicable provisions of law.

3.Whether persons were injured or killed.

4.The identity of person(s) injured or killed to include name, age, residence, occupation, and family status, but only after proper notification of family or next of kin.

5.The time and place of the incident under investigation.

6.The identity of an involved law enforcement officer, to include name, age, and agency affiliation.

7.A brief description of the circumstances of the particular incident, e.g., the nature of a call for service, an arrest, a vehicle stop, etc.

14 This section is necessary to maintain the appropriate legal distinction between the Attorney General's criminal investigation and an administrative or internal affairs investigation.

15 The name of the subject officer in matters involving the use of deadly force is a matter of public information.

Examples of information that may not be released:

1.The details of investigative procedures or speculation upon any matters, legal or otherwise.

2.The character or reputation of any person(s) involved in the incident.

3.The existence or contents of any statement given by any persons involved in the incident, or the failure of any persons to provide statements.

4.The identity of witnesses and any information provided by witnesses.

Dated: April 15, 2021s/Aaron M. Frey Attorney General