

Maeghan Maloney
District Attorney

Frayla Tarpinian
Deputy District Attorney

Francis Griffin
1st Assistant District Attorney



Kennebec County Courthouse
95 State Street, Augusta, ME 04330
(P) 207-623-1156 or 207-623-1157
(F) 207-622-5839

Somerset County Courthouse
41 Court Street, Skowhegan, ME 04976
(P) 207-474-2423 or 207-474-5517
(F) 207-474-7407

STATE OF MAINE
OFFICE OF THE DISTRICT ATTORNEY
PROSECUTORIAL DISTRICT IV

Policy for Domestic Violence/Sexual Assault Investigators, Prosecutorial District IV

Purpose: The purpose of this policy is to assist the Domestic Violence Investigator/Detective (DVI) in their duties, responsibilities and job scope as it pertains to conducting investigations, operations and assistance to other agencies.

The DVIs for the Kennebec and Somerset County District Attorney's Office will report to the District Attorney, or the assigned Assistant District Attorney on any case involving a domestic violence crime, sex crime or elder abuse situation as necessary. DVI's are sworn, full time law enforcement officers.

Definitions:

DVI-Domestic Violence Investigator. A detective level position working for the Kennebec/Somerset County District Attorney.

EM-Electronic Monitoring. GPS electronic ankle bracelet monitor.

HRRT-High Risk Response Team. The High Risk Response Team are a group of involved individuals in any domestic violence case where the defendant has a high risk of re-offending once released from custody. The DVI will stand up the HRRT when necessary for the protection of a victim. The DVI is responsible for coordinating and disseminating this information when appropriate.

FVP-Family Violence Project. The civilian agency responsible for assisting victims of domestic violence.

PFA-Protection from Abuse Order. Court order for protection of individuals.

VWA-Victim Witness Advocate. The VWA works in the DA's office as the direct link between prosecutor and victim. DVI's and VWA's will work closely to coordinate activities involving Domestic Violence cases.

Independent Investigation. Case initiated by our office without being submitted by an outside law enforcement agency.

Primary Duties and Responsibilities

Review all Domestic Violence Cases received by the District Attorney's Office. The DVI's are divided into three sections; Northern Kennebec and Southern Kennebec County and Somerset County. Each DVI will handle the cases originating out of their respective section. See Attached for Kennebec County map divided by Northern and Southern towns/cities.

DVI's will write affidavits, coordinate investigations that are multi-jurisdictional, investigate cases assigned by the District Attorney, track DV cases through the judicial process, interview victims, witnesses, defendants, photograph and collect evidence as needed, enter information into various computer systems, arrest defendants for violations.

Offense Log: Upon receipt of a DV case the DVI will log it into their DVI cases log spreadsheet for reference. The spreadsheet will consist of the following information: 1) Date of offense, name and dob of offender, charge(s), Arresting department, town of offense, status of incarceration, victim name, current disposition, any notes, BID number. This document is used internally only for easy reference, status of offender and tracking of follow ups by the DVI.

When indicated, DVI's will conduct follow up interviews with victims to include gathering more information necessary for the prosecutor and work closely with the victim witness advocate (VWA). Liaising with local law enforcement in their assigned section of the county as well as Statewide is essential in successful investigations. DVI's will be sworn in by the Attorney General's office as Detectives with statewide jurisdiction for the purpose of conducting these investigations.

Bail Checks: DVI's will conduct bail checks involving those defendants on pre-conviction bail as appropriate. Possible bail violations will be reported and appropriate enforcement action (arrest, summons, warrant request, etc.) will be taken. In some cases, DVI's will be required to operate the GPS ankle bracelet electronic monitoring (EM) device. In those cases, prior training with the EM device is necessary and will be completed prior to deploying the device.

Protection from Abuse Orders (PFA): During the course of any investigation when appropriate, the DVI will assist the victim in obtaining a PFA. This will include follow up with the Family Violence Project, assisting the victim with the court process, serving the order on the defendant when proper to do so. DVIs will attend PFA hearings as necessary to determine possible violations of the PFA or courtroom testimony which could become useful in the underlying domestic violence case. If the DVI, through the course of their work during the process observes or obtains information about a possible PFA violation, a report will be generated by the DVI and an investigation will be conducted to determine if a violation has occurred. Proper enforcement and reporting action by the DVI will be undertaken.

High Risk Response Team: The DVI in consultation with the appropriate victim witness advocate (VWA), FVP representative, and area law enforcement is responsible for coordinating a HRRT informational report and meeting (virtual or in person) regarding those defendants who are deemed high risk and for victims who request an elevated level of safety planning. The format for this informational flyer is attached to this policy.

Community Outreach Programs: The DVI will work cooperatively with other agencies, programs and entities in furtherance of the protection of victims. These include but are not limited to the Family Violence Project (FVP), the Department of Health and Human Services (DHHS), Elder Abuse Task Force, Kennebec/Somerset Domestic Violence Task Force and the Sexual Assault, Crisis, and Support Center. DVIs will become familiar with these organizations and attend regular meetings, seminars and working groups in furtherance of victim protection and successful prosecution of offenders.

Report Writing: DVI's are responsible for completing reports through their agencies electronic records management system. Each DVI will have separate access to this Records Management System (RMS) for the completion of offense reports (OF), arrest reports (AR) and field interviews (FI) as necessary. Cases resulting in prosecution will be uploaded to the Sharefile cloud system and use of that website will be granted by the DA's office to each DVI. Consultation with the proper ADA or legal secretary prior to uploading is indicated in cases already under investigation by another agency. First time offenses being enforced by the DVI can be uploaded directly after the IMC report is completed and copied for upload to the Sharefile site.

No Independent Investigations are to be conducted, except for VCR's or with approval of the DA/DDA/ or First Assistant DA.

DVI's will complete reports, affidavits, request arrest warrants and search warrants. DVI's should become familiar with latest information pertaining to search warrants, especially when dealing with social media or electronic devices. The Maine Attorney General's Office has specific information regarding the latest search warrant formats.

In Custody Defendants: DVI's will maintain a list of current, in custody DV and sex assault defendants. It will be the responsibility of the DVI to monitor jail phone calls, video chats, etc. in order to detect violations of bail conditions, protective orders and possible tampering cases. DVI's will follow the Securus training. Securus blocks all defense attorney phone calls (provided the defense attorney has given his or her number to the jail). If a defense attorney call is accidentally heard, the following procedure will be followed:

1. As soon as a defense attorney is identified--turn off the recording. Write down what you heard.
2. Notify the prosecutor handling the case and provide your written document.
3. The prosecutor will notify the defense attorney and give your written document to the defense attorney.
4. The prosecutor and the defense attorney will notify the Court.

Investigative Programs: There are several types of programs essential to the success of the DVI while conducting investigations, follow up, surveillance information and assisting other agencies. These include the **OpenFox** system for running criminal history, obtaining DMV information and generating ATN's for criminal cases. DVI's will obtain the proper certification through the Maine State Police for access to this system.

JUSTWARE: DVI's will become familiar with the prosecutor's records management system for research, information and updating pertaining to a particular case or defendant including adding notes.

NESPIN (New England State Police Information Network) provides a myriad of services and training; login and password are required for access to their network. The DA's office pays an annual fee for their services so DVI's will complete the training associated with this service.

SECURUS jail phone call monitoring. Recorded non-confidential phone calls are captured through this system and using it will allow the DVI the ability to provide information, generate cases, and ensure victim safety.

MIAC (Maine Information Analysis Center) is the Maine State Police fusion center. Information is shared through their portal and creating an account and getting on their listserv for this purpose is essential for the DVI.

Training: DVI's are required to maintain their full-time law enforcement certification. This requires the DVI to keep up to date with the current Maine Criminal Justice Academy licensing standards as required by law. DVI's are also encouraged to request further police related training as it pertains to their position as a detective with the DA's office in order to enhance their abilities as detectives within this office. DVI's will adhere to the standard operating polices of the DA's office and the law enforcement polices of the Kennebec/Somerset County Sheriff's Office and the Maine Attorney General.