

**§5404. Probation and parole officers**

In addition to duties prescribed by the commissioner and by the court having jurisdiction, a probation and parole officer shall: [PL 2013, c. 133, §31 (AMD).]

**1. Investigation.** Investigate any criminal case or matter concerning probation, supervised release for sex offenders or parole referred to the officer for investigation and report the result of the investigation; [PL 2013, c. 133, §31 (AMD).]

**2. Arrest.** Arrest, after completing the entry level and orientation training course prescribed by the commissioner, in the following circumstances:

A. Arrest violators of probation or supervised release for sex offenders and parole violators and return parole violators upon request of the commissioner; [PL 2005, c. 488, §23 (AMD).]

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 or transferred from the facility under section 3036-A; [PL 2015, c. 291, §7 (AMD).]

C. If the officer has probable cause to believe that a person under the supervision of the department has violated a condition of that person's probation, supervised release for sex offenders or parole, the officer may arrest that person; and [PL 2015, c. 291, §7 (AMD).]

D. Arrest and return to a correctional or detention facility persons who have escaped from the official custody of the department. For the purposes of this paragraph, "official custody" has the same meaning as set out in Title 17-A, section 755, subsection 3; [PL 2015, c. 291, §7 (NEW).] [PL 2015, c. 291, §7 (AMD).]

**3. Supervision.** Supervise persons as follows:

A. Supervise the probation, supervised release for sex offenders or parole of each person placed under the officer's supervision to ensure that departmental resources are directed to the management of persons with a high risk of reoffending; [PL 2013, c. 133, §31 (AMD).]

B. Supervise persons released from a correctional facility under section 3035 and supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs; [PL 2003, c. 205, §15 (AMD).]

C. Keep informed of the conduct and condition of each person placed under the officer's supervision and use suitable methods to encourage the person to improve that person's conduct and condition; and [PL 1995, c. 502, Pt. F, §39 (AMD).]

D. [PL 1989, c. 127, §14 (RP).]

E. Supervise the transition from institutional confinement for persons residing in a prerelease center if the commissioner directs; [PL 2011, c. 680, §7 (AMD).] [PL 2013, c. 133, §31 (AMD).]

**3-A. Risk assessment; immunity from liability.** Make a good faith effort to supplement any assessment tool for all domestic violence offenders with 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. A probation and parole officer shall implement protocols to override risk assessment scores based on the presence of domestic violence risk factors that indicate a higher risk.

Notwithstanding any other law to the contrary, the administration of the domestic violence risk assessment pursuant to this subsection or the failure to administer the assessment does not subject any state, municipal or county official or employee to liability in a civil action; and [PL 2013, c. 133, §31 (AMD).]

**4. Records and reports.** Keep records of each case and make reports as required.  
[PL 2005, c. 389, §7 (AMD).]

**5. Money.**  
[PL 2005, c. 389, §8 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 735, §2 (AMD). PL 1987, c. 315, §2 (AMD). PL 1989, c. 127, §14 (AMD). PL 1989, c. 521, §§15,17 (AMD). PL 1991, c. 27 (AMD). PL 1991, c. 845, §§6,7 (AMD). PL 1995, c. 502, §§F36-40 (AMD). PL 2003, c. 205, §§14,15 (AMD). PL 2005, c. 265, §22 (AMD). PL 2005, c. 389, §§5-8 (AMD). PL 2005, c. 488, §§22-25 (AMD). PL 2011, c. 680, §§7, 8 (AMD). PL 2013, c. 133, §31 (AMD). PL 2015, c. 291, §7 (AMD).

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