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Legislative Document

No. 1404

H.P. 1032

House of Representatives, April 5, 2011

An Act To Enhance Public Safety Response to High-risk Events

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PILON of Saco.

Cosponsored by Representative CLARK of Millinocket, Senator GERZOFSKY of Cumberland and Representatives: BLODGETT of Augusta, CLARKE of Bath, DION of Portland, LAJOIE of Lewiston, MOULTON of York, SHAW of Standish, Senators: ALFOND of Cumberland, KATZ of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA §2803-A, sub-§8-D** is enacted to read:

3 **8-D. Certification and training for crisis negotiators.** To establish certification
4 standards and a training program for crisis negotiators, as defined in section 3851,
5 subsection 5. The requirements must include specific training on:

6 A. Assessing the emotional stability of a person who takes another person hostage;

7 B. Strategies involving crisis resolution;

8 C. Crisis negotiator communication skills; and

9 D. Discerning indicators of suicidal intent.

10 The program must include a critical analysis of past incidents involving deployments of
11 tactical teams as defined in section 3851, subsection 11;

12 **Sec. 2. 25 MRSA §2803-A, sub-§8-E** is enacted to read:

13 **8-E. Certification and training for tactical teams.** To establish certification
14 standards and a training program for tactical teams as defined in section 3851, subsection
15 11;

16 **Sec. 3. 25 MRSA c. 409** is enacted to read:

17 **CHAPTER 409**

18 **TACTICAL TEAMS AND HIGH-RISK EVENTS**

19 **§3851. Definitions**

20 As used in this chapter, unless the context otherwise indicates, the following terms
21 have the following meanings.

22 **1. Active shooter.** "Active shooter" means a person who participates in a random or
23 systematic shooting spree demonstrating intent to continuously harm or kill others.

24 **2. Barricaded.** "Barricaded" has the same meaning as in section 3801, subsection 3.

25 **3. Board.** "Board" means the Board of Trustees of the Maine Criminal Justice
26 Academy.

27 **4. Committee.** "Committee" means the Committee on Tactical Force
28 Administration established in section 3853.

29 **5. Crisis negotiator.** "Crisis negotiator" means a law enforcement officer who is
30 specially trained to negotiate with a person in crisis.

31 **6. Critical incident data.** "Critical incident data" means data involving tactical
32 team deployments including the high-risk events and incidents involving suicide whether
33 threatened or attempted.

1 **7. Director.** "Director" means the Director of the Maine Criminal Justice Academy.

2 **8. High-risk event.** "High-risk event" means a situation involving the service of a
3 high-risk warrant, an active shooter, a barricaded subject or a hostage.

4 **9. Person in crisis.** "Person in crisis" means a person suffering from emotional,
5 psychological or mental distress to the extent that the person's behavior may become
6 irrational.

7 **10. Service of a high-risk warrant.** "Service of a high-risk warrant" means the
8 servicing of a search or arrest warrant in which there is an increased risk of bodily harm or
9 death.

10 **11. Tactical team.** "Tactical team" means a specialized law enforcement response
11 unit designed to mitigate high-risk events so as to preserve the lives and safety of citizens
12 and law enforcement officers.

13 **§3852. Tactical teams; crisis negotiator**

14 **1. Team certification.** The board shall certify tactical teams that meet the
15 requirements established by the board under section 2803-A, subsection 8-E. Each
16 tactical team must include at least one crisis negotiator certified under subsection 2 as a
17 member of that team.

18 **2. Crisis negotiator; training.** The board shall certify law enforcement officers
19 who meet the training requirements for crisis negotiators under section 2803-A,
20 subsection 8-D.

21 **3. Periodic training.** A crisis negotiator must undergo annual refresher training to
22 be completed in conjunction with tactical team training.

23 **§3853. Committee on Tactical Force Administration**

24 **1. Committee established; chair.** The director shall establish the Committee on
25 Tactical Force Administration, referred to in this section as "the committee," to develop a
26 critical incident data reporting and review system concerning deployments of tactical
27 teams. The director shall appoint the members of the committee.

28 **2. Members.** The committee consists of at least the following members:

29 **A.** The director, who shall serve as the chair of the committee;

30 **B.** A representative of a statewide organization of chiefs of police;

31 **C.** A representative of a statewide organization of sheriffs;

32 **D.** A representative of the Maine State Police;

33 **E.** A representative of the Office of the Attorney General; and

34 **F.** Two members representing civil liberties interests and mental health interests.

1 The Senate and House chairs of the joint standing committee of the Legislature having
2 jurisdiction over public safety matters or their designees serve as advisors to the
3 committee. Members are appointed for 2-year terms and may be reappointed. When a
4 vacancy occurs prior to expiration of a term, the appointment to fill that vacancy is for the
5 balance of the unexpired term.

6 **3. Review; recommendations.** The committee shall review on a semiannual basis
7 critical incident data outlining tactical team response to high-risk events for purposes of
8 evaluating existing policies. The committee shall make on a semiannual basis
9 recommendations for training and performance standards to the board.

10 **4. Report.** Beginning January 15, 2012 and annually thereafter, the director shall
11 submit a report on the activities and recommendations of the committee to the joint
12 standing committee of the Legislature having jurisdiction over public safety matters.

13 **Sec. 4. Rules.** The Board of Trustees of the Maine Criminal Justice Academy shall
14 adopt rules to implement this Act. Rules adopted pursuant to this section are routine
15 technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter
16 2-A.

17 **SUMMARY**

18 This bill requires the establishment of the Committee on Tactical Force
19 Administration to review and make recommendations on tactical law enforcement
20 incidents. The bill requires the Board of Trustees of the Maine Criminal Justice
21 Academy to adopt certification standards and training programs for crisis negotiators and
22 tactical teams.