

MAINE CRIMINAL JUSTICE ACADEMY

A Bureau of the Department of Public Safety

Attachment 14

FEDERAL OFFICERS LIMITED AUTHORITY TO ENFORCE MAINE LAW

Specification S-32

The purpose of this specification is to set guidelines and to establish parameters for the training and use of the statutory authority to enforce Maine State law granted to certain federal officers to enforce certain Maine laws in accordance with H.P. 67, L.D. 103.

1. General limits on the use of this authority.

A) **Border Patrol Agents**

The statutory authority granted by L.D. 103 may be used when Border Patrol agents are on official duty or when traveling to or from their home to their official scheduled duty.

B) **INS Special Agents**

The statutory authority granted by L.D. 103 may be used when INS special agents are on official duty or when traveling, to or from their home to their official scheduled duty.

C) **INS Inspectors**

The statutory authority granted by L.D. 103 may be used when INS inspectors are on official duty at their scheduled port-of-entry or when traveling to or from their home to their scheduled duty port-of-entry.

D) **INS Deportation Officers and Immigration Examiners**

The statutory authority granted by L.D. 103 may be used only when deportation officers and Immigration examiners are acting in the capacity of Immigration inspectors. As such, they will be limited in the use of this authority by the prescribed general limits for INS inspectors.

E) **Officers of the United States Customs Service of the Department of the Treasury**

The statutory authority granted by L.D. 103 may be used when officers of the United States Customs Service of the Department of the Treasury are on official duty or when traveling to or from their home to their official scheduled duty.

F) Special Agents of the United States Secret Service of the Department of the Treasury.

2. Situational Extended Use of Authority

At all other times not specified above, use of this authority would not be prohibited in situations where:

- A) There is a potentially life threatening danger to the public or another law enforcement officer;
- B) There is a request by a state, county or municipal law enforcement officer to provide assistance in an emergency.

In each of the preceding, types of situations, prudent use of this authority shall be to ensure the safety of any victims or potential victims and to secure and stabilize the situation until a state, county or municipal law enforcement officer arrives.

3. Vehicle Stops

This policy section regulates the authority to enforce state law only to the mobile units of the Border Patrol and INS special agents. As a policy, INS inspector will not be involved in traffic enforcement by vehicle stops except at the port of entry.

The use of the authority granted by L.D. 103 shall not be used to circumvent the requirement for the development of probable cause to initiate an immigration stop.

This authority is not intended to make INS special agents or Border Patrol agents traffic enforcement officers but to ensure the authority to act when a life threatening situation evolves in their presence.

4. Arrests

In nearly all situations regarding arrests under L.D. 103, it is expected that the arrest(s) will be made by a state, county or municipal law enforcement officer that has jurisdiction over the place and / or type of crime. As such, INS arrest authority under L.D.103 shall be limited to those situations where it is necessary to detain the individual(s) and / or hold evidence until a state, county or municipal law enforcement officer arrives and takes custody thereof.

5. Discretion to Act

All federal officers as described by L.D. 103 may, but are not required to enforce state law. This section is not intended to limit the existing, authority of federal officers under federal law or to interfere with the performance of federal duties by federal officers.

Training:

Before a federal officer may exercise the powers conferred by this section, the federal officer must receive training in Maine criminal law and Maine law on the use of force.

Requirements:

1. Be employed as an Immigration and Naturalization Service Border Patrol Agent, INS Special Agent, INS Inspector or an officer of the United States Customs Service or Secret Service of the Department of the Treasury.
2. Successfully complete nine (9) hours of Criminal Law and three (3) hours on Use of Force.

Procedures:

1. Employing agency must submit proper documentation to the Maine Criminal Justice Academy that the federal officer is employed by them.
2. The federal officer must successfully complete nine(9) hours of Criminal Law and three (3) hours on Use of Force, or complete the self study program established by the Maine Criminal Justice Academy.
3. The federal officer must provide documentation to the Maine Criminal Justice Academy that they have successfully completed the above training.
4. The federal officer must pass a written examination administered by the Maine Criminal Justice Academy staff which will cover the areas of Maine criminal and Maine use of force.

Certification Review

All documentation will be submitted to the Academy Director for review and recommendation to the Board of Trustees.

John B. Rogers,
Academy Director

Brian MacMaster, Chairman
Board of Trustees

Reviewed and Adopted: June 13, 2003