

**MISSION STATEMENT OF THE RESOURCE PROTECTION UNIT OF THE
MAINE WARDEN SERVICE**

AND

**POLICY AND OPERATING GUIDELINES FOR CONDUCTING COVERT AND
UNDERCOVER INVESTIGATIONS OF VIOLATIONS OF MAINE'S INLAND
FISHERIES AND WILDLIFE LAWS**

PREFACE AND MISSION STATEMENT

It has long been the mission of the entire Maine Warden Service to apprehend and prosecute those individuals who intentionally violate Maine's Inland Fish and Wildlife laws and regulations. However, intentional fish and wildlife law violators are often very knowledgeable of fish and wildlife law enforcement techniques. In many instances, special law enforcement techniques are required to apprehend and successfully prosecute the types of individuals and groups who, usually due to their caution, skill at avoiding apprehension and criminal intent, cannot be apprehended by uniformed field personnel. In Maine, and nationwide, covert and undercover investigation techniques have been proven to be the most effective methods used to apprehend serious, intentional fish and wildlife violators who repeatedly abuse, and subsequently threaten the abundance and well being of the fish and wildlife resources of this state and nation.

THEREFORE, it shall be the mission of the RESOURCE PROTECTION UNIT of the Maine Warden Service to conduct the organized covert and undercover investigative effort of the Maine Warden Service, in an attempt to apprehend and prosecute the aforementioned serious, intentional, fish and wildlife law violators and ultimately protect Maine's precious fish and wildlife resources.

All covert and undercover operations conducted by the Resource Protection Unit shall be conducted in compliance with policies and guidelines set forth, herein.

Definitions

A.D.A. - Assistant District Attorney

A.G. - Attorney General

Basic Covert Operations Training (BCOT) - the minimum training required prior to an officer of the Maine Warden Service conducting covert operations and undercover investigations. This training shall be of duration and content approved by the Game Warden Major.

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Exceptions to BCOT:

Any officer who falls into one of the exception categories below shall be waived from BCOT and may participate in covert ops./undercover investigations without BCOT.

1. Any officer who attended a course on Basic Undercover Operations given by Game Warden Investigator Glen Perkins (retired) of the Maine Warden Service
2. Any officer who has attended the United States Fish and Wildlife Service's Covert Wildlife Investigations Training Course
3. Any officer who has attended Covert Wildlife Investigations training given by any State Fish and Wildlife agency that has been approved by the Game Warden Major
4. Any officer who has received any training and experience deemed by the Game Warden Major as being adequate (Example: Officer from another State on "loan" to the Maine Warden Service to assist with undercover investigations.)

Case Agent - either the Covert Operations Coordinator or the person designated by same to act as coordinator of reports, evidence, interviews, prosecution and manager of a covert/undercover operation. Usually a Game Warden Investigator will be assigned be the Case Agent.

Case On Duty Officer (Case OD) - the officer assigned to be available 24 hours a day to respond to an undercover operative's request for emergency assistance during a covert operation.

Command Post - the location where the overall supervisor and organizational and communication center for the takedown of a covert operation is located.

Covert Operations - undercover or covert fish and wildlife investigations being conducted or planned by the Resource Protection Unit. Also known as Covert Ops. and Undercover Investigations.

Covert Ops. - the same as Covert Operations and Undercover Investigations. See Covert Operations.

Covert Operations Coordinator - the person designated to act as the Covert Operations Coordinator. The duties and responsibilities of the Covert Operations Coordinator are set forth hereunder.

D.A. - District Attorney

Department - means the Department of Inland Fish and Wildlife (or IP&W)

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Entrapment - Entrapment is defined as the acts of the officers/operatives of the Maine Warden Service in inducing a person to commit a crime not contemplated by him in order to initiate a criminal investigation. Inducement may consist of, but is not limited to:

- a. appeals to sympathy
- b. playing on the emotions of the target
- c. overzealous persuasion
- d. severe pressure, coercion and threats

Maine Warden Service undercover officers may afford the target the opportunity to commit a crime. This is not entrapment. They may devise a scheme to reveal criminal activity without entrapping the target. It is only when the criminal idea and design originates with the Maine Warden Service officer, who then induces an otherwise completely innocent person to become involved, that entrapment arises.

For additional definition and information on Entrapment, see Appendix #3.

Operative - an officer who is involved as an undercover agent in covert operations of the Resource Protection Unit. Prior to becoming an Operative, an officer must complete the Resource Protection Unit's Basic Covert Operations Training.

Predisposition - see Appendix #4.

Resource Protection Unit - the unit of wildlife law enforcement personnel formally assigned to conduct the covert and undercover investigations of violations and suspected violations of Maine's Inland Fish and Wildlife laws.

RPU - abbreviation for the Resource Protection Unit.

Special Agent (or SA) - Special Agent (or SA) shall refer to a Special Agent of the United States Fish and Wildlife Service.

Takedown - is the final, physical and/or actual culmination of an investigation conducted by the Resource Protection Unit to include (but not limited to): execution of search and arrest warrants; final collection, documenting and preservation of evidence; interviews of suspects, witnesses and informants and all other functions required to conclude an investigation.

Target - the person, persons or group of persons whom are the subject of an investigation being conducted by the Resource Protection Unit.

Undercover Investigations - the same as Covert Operations and Covert Ops. See Covert Operations.

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Unit - means the Resource Protection Unit.

USFWS - the United States Fish and Wildlife Service.

I. NAME

The official name of the unit of personnel assigned to said covert and undercover investigations shall be the RESOURCE PROTECTION UNIT, hereinafter referred to as "the unit."

II. PURPOSE

The purpose of this policy and operating guidelines is to ensure that the unit conducts covert and undercover fish and wildlife investigations in an organized, safe, lawful and efficient manner.

III. AUTHORITY

A. Game Warden Major - shall approve all covert and undercover operations of the unit. The Major shall designate one person to act as Covert Operations Coordinator. The Major shall determine funding and expenditures regarding the unit's operations. The Major shall have final decision making authority regarding all aspects of the operation of the unit. The Major may, at any time, terminate a covert operation for cause. The Major may, at any time, remove an officer from the unit for cause.

B. Covert Operations Coordinator - the Major shall designate a member of the unit to act as Covert Operations Coordinator.

1. Responsibilities - the responsibilities of the Covert Ops. Coordinate shall include, but are not limited to the following:

- a. ensure that all members of the unit have obtained legitimate undercover credentials;
- b. ensure that there is a "Case OD" available for each operative member of the unit at all times during covert ops.;
- c. ensure that each member of the unit has received BCOT training and/or other appropriate training as determined by the Major;
- d. monitor the activities of operatives and locations of operatives and investigations being conducted by the unit, to the best of his ability;
- e. ensure that operatives are debriefed after each assignment;

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f. coordinate covert operation proposals and determine, with the Major, which proposals shall be investigated using covert ops.;

g. coordinate the general enforcement activities of the unit;

h. make certain that each member of the unit has a copy of the policy and guidelines for conducting covert ops.; has read and understands them;

i. monitors the well being of operatives and members of the unit to detect problems associated with covert ops., to the best of his ability;

j. receives, assesses and evaluates all covert ops. proposals from the field, statewide;

k. keeps up to date regarding law court decisions which relate to undercover and covert investigations;

l. schedules meetings and meets with other members of the unit regarding unit activities as often as deemed necessary;

m. conducts any other activities necessary to supervise and otherwise coordinate the successful, safe and efficient operation of the unit.

n. keeps the Game Warden Major apprised at all times of the status of important developments in covert operations and undercover investigations; and other matters of the Resource Protection Unit (RPU).

C. Game Warden Lieutenant - shall supervise and coordinate the overall takedown effort of an undercover investigation when the takedown operation and/or other related activities occurs in his Division of command and in other Divisions as directed by the Game Warden Major.

D. Game Warden Sergeant - shall be the field supervisor responsible for overseeing and coordinating the takedown operation and other activities to which he has been assigned.

E. Game Warden Investigator - shall supervise/coordinate, etc. those activities of the unit as determined by this policy; the and/or Covert Ops. Coordinator and/or the Game Warden Major.

F. Operative - operatives may include District Game Wardens, Sgts. and Lts. also including Game Warden Investigators and the Covert Ops. Coordinator. Operatives will be supervised by the Covert Ops. Coordinator or his designee.

Operatives are the investigators who conduct and carry out actual covert contacts and operations.

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IV. REQUESTS FOR COVERT OPERATIONS AND INITIATION OF INVESTIGATIONS

A. Collection of information and requests for covert operations - to provide for the uniform collection of information and requests for covert operations, all information regarding possible covert operations and actual requests for covert ops. will be forwarded to, and organized by the Covert Ops. Coordinator. All such information and requests shall be stored in a secured file with access limited to those authorized only by the Game Warden Major and/or the Covert Ops. Coordinator and/or their designees.

1. Methods of collection: Information - materials, information, etc. that is forwarded to the Covert Ops. Coordinator may be obtained from any lawful source. When members of the Maine Warden Service provide such information, when possible such information should be provided on a Maine Warden Service Intelligence Report (see Appendix # 1). When information is not provided on an Intelligence Report Form by a Game Warden or other source, the Covert Ops. Coordinator shall record the pertinent information on said Intelligence Report form.

2. Methods of collection: Covert Operation Requests - Covert Ops. requests from members of the Maine Warden Service should be forwarded on Maine Warden Service Request for Investigative Assistance form (see Appendix # 2). Requests not recorded on Request for Investigative Assistance form shall be documented on said form at first opportunity.

3. Dissemination of Information - When the Covert Ops. Coordinator receives a Covert Operation request he should notify the Division Investigator assigned to the geographic region that the information/request originated. The Covert Ops. Coordinator for reasonable grounds may chose not to make such a notification, however, this shall not be done arbitrarily.

B. Assessment of Information and Requests for Covert Operations - the Covert Ops. Coordinator will initially evaluate all information and requests regarding covert ops. and make a preliminary evaluation of the information/request.

1. Predisposition - once a request for a covert operation has been received, prior to initiating an covert operation, the Covert Ops. Coordinator shall first make a determination that the target meet the Predisposition requirement. [Predisposed in this context shall be meant to mean that the subject is predisposed as the term is used in: 1) current case law; 2) Black's Law Dictionary and 3) the United States Fish and Wildlife Service Training Manual on ENTRAPMENT (see Appendix #3)] This Predisposition requirement is meant to determine, specifically if the target is predisposed to commit (fish and wildlife violations.) The predisposition determination/investigation may be completed by any investigator assigned to do so. However, it shall be the responsibility of the Covert Ops. Coordinator to ensure that this requirement has been met prior to further consideration of a covert operation. This determination may be made utilizing information provided in the request itself or by other investigation conducted by or requested by the Covert Ops. Coordinator.

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2. Prioritization Criteria - the Covert Ops. Coordinator shall categorize all information/requests into the following four categories:

- Category A - HIGH PRIORITY**
- Category B - MID-LEVEL PRIORITY**
- Category C - LOW-LEVEL PRIORITY**
- Category D - INSIGNIFICANT**

a. A. HIGH PRIORITY - High Priority cases are those cases that have identified a predisposed target who is currently engaging in activities including but not limited to:

- 1. Illegal buying and/or selling wildlife, especially deer, bear and moose and endangered species;**
- 2. Guiding hunters or fishermen for remuneration without a license to do so;**
- 3. Illegal taking of fish and wildlife in extreme excesses of the daily/season etc. limit;**
- 4. Continuous illegal taking of fish and wildlife during closed seasons and times, including night time;**
- 5. Illegal buying or selling fish, especially trout and salmon;**
- 6. Any other illegal commercialization of wildlife that if allowed to continue would tend to seriously threaten the specific wildlife being abused and the spirit of the laws designed to protect it (them).**

b. B. MID-LEVEL PRIORITY - Mid-Level Priority cases are those cases that have identified a predisposed target who is currently engaging in activities including but not limited to:

- 1. Exceeding the limits on fish and wildlife in a non-commercial capacity;**
- 2. Occasionally engages in serious fish and wildlife violations but does not give an indication that the illegal activity is constant and continuous but more of an intermittent activity;**
- 3. A target who violates fish and wildlife laws that may not, by the definition of this policy, be categorized as a High Priority Case but by violating said fish and wildlife laws creates a major source of complaint and grievance in the community in which the target resides and/or violates;**
- 4. Any other illegal fish and wildlife activity determined by the Major and/or Covert Ops. Coordinator that needs enforcement effort but does not create an emergency threat to the fish/wildlife being abused, but might create an emergency threat if allowed to continue over time.**

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c. **C. LOW LEVEL PRIORITY** - Low Level priority Cases are those cases that have identified a predisposed target who clearly is currently or has in the past engaged in fish and wildlife and other Title 12, Chapters 701-721 violations but pose no significant immediate threat to any fish/wildlife resource, but has the potential to do so.

d. **D. INSIGNIFICANT** - Insignificant Cases are those cases that: 1) contain so little information that no reasonable assessment may be made of the activity; 2) it is questionable whether or not a violation has actually occurred or; 3) the activity, although possibly a violation of fish and wildlife law, is not an appropriate activity to investigate using the undercover technique.

IT SHOULD BE NOTED THAT INFORMATION AND COVERT OPERATION REQUESTS MAY CHANGE PRIORITY CATEGORIES AT ANY TIME, AS ADDITIONAL INFORMATION BECOMES AVAILABLE AND/OR OTHER CIRCUMSTANCES ARISE.

C. Decision to Conduct Covert Operation/Undercover Investigation; Assignment of Operative to Case; Assignment Packet and Briefing; Notification of the Division Investigator.

1. **Decision to Investigate** - Once the determination has been made that the covert operation requests has met the requirements of Predisposition and has been categorized into a category appropriate for the Resource Protection Unit's current man-power and funding, the Major and/or Covert Ops. Coordinator shall decide on whether or not to conduct an undercover investigation.

2. **Assignment of Investigation to Operative** - After the decision to investigate by Covert Operation has been made, the Game Warden Major and/or Covert Ops. Coordinator shall assign an operative(s) to the case.

3. **Assignment Packet and Briefing** - The Covert Ops. Coordinator and/or his designee shall provide the Operative assigned to the case with a complete briefing and/or packet which will provide all information necessary for the operative to initiate contact with the target and ensure that the operative is properly equipped to conduct the mission. This packet/briefing shall include, but is not limited to: necessary funds for the investigation; directions, maps, etc.; necessary licenses and other misc. identification; adequate undercover transportation; a comprehensive description of the target, associates, suspected violations; a clear indication of potential dangers including behavioral, narcotics, weapons, alcohol, etc.; any other information necessary to conduct a safe, successful undercover operation.

4. **Notification of Division Investigator** - except when determined otherwise by the Major and/or Covert Ops. Coordinator, the Division Game Warden Investigator shall be notified that an undercover investigation has been/is about to be initiated in the Division to which he is assigned. The Major and/or Covert Ops. Coordinator for any valid reason may decide not to notify the Division Investigator. However, the decision not to notify the Division Investigator shall not be made arbitrarily.

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5. Notification of Division Lieutenant - if several potential covert operations/ undercover investigations have been proposed within a particular Division, the Game Warden Major and/or the Covert Operations Coordinator may request the Division Game Warden Lieutenant to review the list of covert operation proposals for the purpose of providing input and comment on the list of potential covert operations in regard to priority or other issues.

**V. OPERATIONS: UNDERCOVER INVESTIGATIONS AND COVERT OPERATIONS
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1. Operatives - only those officers who have been determined by the Game Warden Major to meet the minimum requirements (BCOT or Waiver) for being an undercover officer and are going to be, or have been officially assigned to the RPU by the Game Warden Major may participate in, and/or conduct covert operations to apprehend fish and wildlife law violators in Maine.

2. Covert Ops. Coordinator to Remain Informed - the Covert Ops. Coordinator shall be informed by the Operative at reasonable intervals of the current status of covert operations that he/she is involved in. The Covert Ops. Coordinator shall, in turn, keep the Major apprised as to the same.

3. Completion of Covert Operation - the Major and/or the Covert Ops. Coordinator and/or the Operatives assigned to a case shall have joint decision making authority regarding when to conclude a covert operation.

4. Emergency Termination of Covert Operation - The Operative may for personal safety and other emergency reasons, terminate a covert operation at any time. If such a termination is made, the Operative will notify the Covert Ops. Coordinator and/or the Major immediately. See also Security of Operative (Section VI.)

5. Consultation with Counsel - during the course of a covert operation when appropriate and deemed necessary by the Major and/or Covert Ops. Coordinator, the RPU shall consult with legal counsel regarding covert ops.

a. Specific case consultation - when legal counsel is required and/or deemed necessary regarding a specific case, the District Attorney's Office that will be ultimately responsible for prosecuting the case shall be consulted.

b. General legal procedure - when legal counsel is required and/or deemed necessary regarding general law enforcement procedures the Attorney General's Office and/or the appropriate District Attorney's Office shall be consulted.

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6. Criminal Conduct by Operative

a. Fish and Wildlife Violations by Maine Game Warden Operatives: pursuant to M.R.S.A. 12, Section 7053 (G) Maine Game Wardens may do anything otherwise prohibited by MRSA 12, Chs. 701-721, if necessary to carry out their duties and powers. (see Appendix #4).

b. Fish and Wildlife Violations by non Maine Warden Service Operatives: Pursuant to MRSA 12, Section 7055 certain other officers of the State of Maine and the United States Fish and Wildlife Service are also covered by MRSA 12, 7053 (G). (see Appendix #5).

c. Fish and Wildlife Violations by other officer operatives not addressed in MRSA 12, 7053(G) and 7055: if an officer not listed under MRSA 12, 7053(G) and/or 7055 acts as an operative in Maine in a Maine Warden Service Covert Operation, there shall be a Memorandum of Understanding (MOU) drafted by authorized parties to ensure that the operative will not be criminally liable for violations of MRSA 12, Chps. 701-721.

d. Other misdemeanors by all operatives: except in situations involving a very serious threat of death and/or serious bodily harm to the operative or other reasonable emergency or extenuating circumstances, all officer operatives shall be prohibited from violating any other criminal misdemeanor of the State or Federal statutes. All violations referred to in this paragraph shall be reported to the Covert Ops. Coordinator at the operatives first possible opportunity.

e. Felony Crimes: No officer operative shall commit a felony.

7. The Use of Illegal Drugs and Narcotics - all operatives shall refrain from the use of illegal drugs and/or narcotics. However, it has been well documented that there have been times in the past when operatives engaging in all forms of covert operations have been directed to use otherwise illegal narcotics and/or drugs by suspects and criminals to "prove" that the operative is not an undercover agent. Nevertheless, Maine Warden Service covert operatives shall make all reasonable attempts to refrain from the use of illegal drugs and narcotics, unless the operative feels that it is absolutely necessary to utilize such materials to protect his/her personal safety after being placed in a jeopardizing situation during a covert operation.

a. Exposure - when an operative is exposed in any way to illegal drugs/narcotics, during the course of a covert operation, the operative shall upon return:

a(1) Immediately notify the Covert Ops. Coordinator who shall in turn notify the Major as to the extent and details surrounding the exposure. If deemed necessary, the District Attorney shall be notified by the Covert Ops. Coordinator.

a(2) Write a written report regarding the details and circumstances surrounding the incident and forward the report to the Covert Ops. Coordinator.

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a(3) File a First Report of Injury Form (see Appendix #6).

8. Funding - the Game Warden Major shall be responsible for determining the amount and frequency which funds/monies are expended for undercover investigations. The financial records of the RPU shall be maintained by the Major and/or his designee. These records shall be kept in a secured file at a location determined by the Major. These records shall be confidential and access to said records shall be limited to those authorized by the Game Warden Major.

a. Operative Expenditures - operatives will be provided by funds as needed by the Covert Ops. Coordinator and/or the Major. Operatives will keep accurate records of these funds utilizing a Covert Operations Expense Voucher (see Appendix #7). Reference to the specific case on these vouchers will be with the code number assigned to the case by the Major and/or Covert Ops. Coordinator.

a(1) Restricted Disclosure of Covert Expenditures - prior to disclosing any records of expenditures of covert operations made by any operative of the RPU, authorization shall be obtained from the Major and/or the Covert Ops. Coordinator.

9. Debriefing After Covert Contact - at the first possible opportunity after each covert contact, the operative will notify the Covert Ops. Coordinator or a Game Warden Investigator designated by the Covert Ops. Coordinator, to inform same that he/she (operative) has safely returned from the operation and to give a detailed briefing of the mission. The Covert Ops. Coordinator or his designee shall document the debriefing by notes or tape recorder.

10. Evidence Obtained During Covert Contact - all evidence gathered during the actual covert contact shall be labeled, tagged, photographed and stored in a secure evidence storage facility. All such evidence shall be logged in the operatives case report and on a Maine Warden Service Investigation Evidence Log when more than six (6) items of evidence have been obtained (see Appendix #8). For additional information, refer to section on Evidence.

11. Gifts - gifts given to the operative during his/her role as an undercover agent that are of monetary value in excess of ten (10) dollars shall be documented, turned into the evidence storage facility designated for the case and held by the Warden Service until the case is disposed of. At the time the case is disposed of, the Covert Ops. Coordinator shall make arrangements to legally dispose of said gifts.

12. Security During Covert Operations - Information regarding the details, or even the existence of Covert Operations will be on an absolute need to know basis only. This assessment will be made by the Major and/or the Covert Ops. Coordinator.

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a. Operatives shall not reveal their covert identity to anyone, except authorized personnel (Major, Covert Ops. Coord., DA, agencies providing credentials, etc.) at any time.

b. Officer operatives assigned to the RPU full time shall not have their home phone numbers and addresses listed in any of the Department personnel rosters. The full time members of the RPU (Investigators, etc.) shall have their names and addresses compiled on a separate list that shall be provided to authorized personnel only.

c. No other employee shall give out the home address and telephone number of any operative without prior authorization to any non-law enforcement person.

13. Covert Credentials for Official Use Only - Credentials, undercover I.D., etc. issued to any operative is to be used by the operative for official covert operations only and shall not be used for any personal reason.

14. Use of Alcohol - the illegal use of alcohol beverages shall be prohibited. However, during undercover operations it is sometimes a benefit to consume alcoholic beverages to help establish and add credibility to the operative's undercover role and identity.

Therefore, foregoing any separate Warden Service Policy prohibiting the consumption of alcoholic beverages/intoxicating liquor while on duty, undercover operatives may consume alcoholic beverages as necessary to act out their undercover role and identity as an operative, while on duty. However, the excessive use of alcoholic beverages during covert operations shall be prohibited.

15. Return of Credentials by Operatives No Longer in the RPU - when any officer, operative, agent, etc. is no longer assigned to the RPU, regardless of the reason for the assignment ending, any and all undercover credentials and "cover" materials of any type will be immediately forwarded to the Covert Operations Coordinator.

16. Covert Operations Reports - Reports of Covert Operations and Contacts will be completed by the Operative using a REPORT OF INVESTIGATION coversheet (see Appendix #9). A detailed narrative of the covert operation will be prepared within five (5) days of the covert contact. After completion, a copy of the report will be forwarded to the Covert Ops. Coordinator or the person designated as the Case Agent by the Covert Ops. Coordinator, within seven (7) days of the covert contact.

VI. SAFETY, SECURITY, AND WELL BEING OF OPERATIVES

1. It has long been recognized that undercover operations have the potential for becoming very dangerous. It shall be a primary concern of the Warden Service to ensure the safety and peace of mind of the operative and/or his/her family.

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2. On Call Officer Available to Operatives During Covert Operations - To ensure the safety and security of operatives while they are undercover, there shall be an on duty officer available to them 24 hours a day. This Case On Duty Officer (Case OD) should be located reasonably close to the operation.

SHOULD AN EMERGENCY ARISE:

- a. The Case OD will respond to assist the operative immediately, calling backup units if necessary.
- b. The Case OD will notify the Covert Ops. Coordinator and/or the Major at the first possible opportunity as to the situation.

3. Threats to the Operative or His/Her Family or Other Suspicious Activity - The Warden Service will take a proactive approach to investigating threats, threatening communications, intimidating contacts, suspicious activity and/or any other activity that causes concern for the operative and/or his/her family. Therefore, the Warden Service shall:

- a. Aggressively investigate the potential source of the threat by conducting a thorough, in-depth investigation;
- b. Take all reasonable steps necessary to ensure the security and safety of the family and operative;
- c. Prosecute, if applicable, the person(s) whom are the source of the threat.

4. Other Suspicious Activity - any and all other concerning suspicious activity that may tend to suggest a threat to an operative and/or his/her family shall be treated as real and serious and shall be handled in the same manner as a Threat under Section VI - 3 (above).

- a. This section includes suspicious inquiries being made by other law enforcement officers not involved in the covert operation itself. These situations will be handled in the same manner as Section VI (3). The Major and/or the Covert Ops. Coordinator will determine when to initiate this type of inquiry so as not to jeopardize the safety of the operative(s) and/or ongoing covert operations.
- b. If, after an initial investigation has determined that there is a reasonable probability that the misuse of official and/or police information may have occurred, the investigator assigned to the matter will immediately notify the Game Warden Major, who shall determine further appropriate action.

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5. Operative Duty Location, Home Address and Telephone Numbers to Remain Confidential - under no circumstances shall the duty office, home address and/or home telephone number of any operative of the RPU be given to any person unless authorized by the Major and/or the Covert Ops. Coordinator. It will be the responsibility of the Covert Ops. Coordinator to instruct certain office personnel who may receive such requests on how to handle such inquiries.

6. Inquiries Regarding Covert Operations/Undercover Investigations - if any inquiry by the public, other agencies, attorneys, etc. is made regarding any phase of covert operations/undercover investigations of the Maine Warden Service all such inquiries will be forwarded to the Game Warden Major. No acknowledgement will be made that the Warden Service is involved with covert operations without the authorization of the Game Warden Major. It will be the responsibility of the Covert Ops. Coordinator to ensure that all appropriate personnel of the Dept. of IF&W are informed of this policy.

VII. TAKEDOWN AND OTHER RELATED OPERATIONS

1. Decision to Execute Takedown Operation - prior to commencing plans for a takedown operation, the Covert Ops. Coordinator shall obtain approval from the Game Warden Major or in his absence, the Game Warden Colonel.

a. Initial Pre-Takedown Briefing - once a covert operation is terminated and a takedown operation is approved, the Covert Operations Coordinator or his designee will meet with and brief the Division Lieutenant who commands the Division that the takedown operation is to take place in regarding certain details of the covert operation and the takedown operation itself. The purpose of this briefing will be to establish preliminary plans to effect the takedown operation. (i.e., when, where, who, other logistics, etc.)

2. Officer Safety - first and foremost in any takedown operation will be the safety of all officers involved in the operation. No planned action shall occur during a takedown operation that knowingly places any officer in an unreasonably dangerous situation.

The following steps will be taken to ensure the utmost level of safety during a takedown operation:

a. A section on officer safety shall be included in each briefing packet (see section on briefing packets).

b. Bullet Proof Vests (Body Armor) shall be worn by all officers participating in a takedown operation.

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c. At least one first aid kit will be available at each major takedown location. The location of each first aid kit will be noted during the pre-takedown briefing.

d. Rubber protective gloves shall be provided to each officer involved in a takedown operation.

3. Search and Arrest Warrants - undercover operations most often culminate in the form of search and arrest warrants being issued and executed. Due to the fact that these instruments of the court are extensively used more often than not during takedown operations, it is important to ensure that affidavits in support of requests for search and arrest warrants are well prepared.

a. Review by D.A.'s Office - to ensure that adequate probable cause has been developed, correct language is used and to prevent unnecessary Motions to Suppress, all affidavits supporting a request for search and/or arrest warrants that stem from covert and undercover operations of the RPU will be reviewed and approved by an appropriate prosecutor prior to issuance.

4. Command Post - the Division Lieutenant will establish command post location and be responsible for setting up a Command Post for the takedown operation to facilitate the supervision, organization and communications of the takedown operation. Under most circumstances the location of the Command Post shall not be released to the press or the public.

5. Lt. to Assign Takedown Teams - the Lt. supervising the overall takedown operation will be responsible for assigning an appropriate number of officer to take down teams and shall appoint a Team Leader to each team. If possible, the Team Leader will be a Game Warden Sergeant.

a. Team Leader Responsibilities

1) Team Leaders will have decision making authority at actual assigned takedown locations.

2) Team Leaders will assign officers to specific team assignments and duties.

3) Team Leaders are responsible for making sure that each of his/her team members has proper equipment.

4) Team Leaders will make all assignments and plan all action with officer safety a primary concern.

6. Takedown Operation Briefing - prior to Search or Arrest Warrants being served and/or other takedown operations commence, a briefing will be given to all officers involved in the operation. The operatives involved in the case will be available, if possible, to answer last minute inquiries regarding the case.

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a. Case Summary - a synopsis of the case and targets of the investigation, violations encountered, caution statements, etc. will be given by the operative and or his/her designee during the takedown briefing.

b. Takedown Teams to Organize - the Division Lt. or his designee shall notify officers of the team that they are assigned to and the Team Leader that will supervise their team. Officers will divide into teams at this time.

c. Questions from Team Leaders and Team Members - an opportunity will be provided to answer any last minute questions of Takedown Team Leaders or Officers.

d. Location of First Aid - each Team Leader will be responsible to ensure that:

1) his team has at least one first aid kit to accompany them on their assignment and that each team member knows the location of the first aid kit.

e. Medical Rescue availability - in case of a medical emergency, the location of the nearest available emergency medical services shall be made known to all officers participating in a takedown operation. The Command Post shall have the means to immediately communicate with, and request emergency medical services should they become required during the takedown operation.

f. Team Briefing Packets - each team will receive a briefing packet with appropriate information regarding the teams specific target/assignment. Briefing Packets will include, but are not limited to:

- 1) appropriate Search and Arrest Warrants;
- 2) Maps, directions, building diagrams, etc.;
- 3) instructions regarding the location of evidence storage facilities and prisoner holding facilities;
- 4) location/contact numbers for first aid and emergency medical resources;
- 5) other necessary paperwork (summons, etc.);
- 6) special equipment necessary for a particular team assignment;
- 7) communications information;
- 8) debriefing instructions (where, when, etc.);
- 9) report instructions after takedown;
- 10) list of each team, team assignment, location and team leader;
- 11) specific instructions regarding evidence custody, labeling and transport.
- 12) all evidence seized shall be photographed, logged and tagged with current Maine Warden Service Evidence Tag (see Appendix # 10).

All information contained in the briefing packets should be reviewed during the briefing itself.

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13) Briefing Packets to be Returned to Command Post - upon completion of the takedown operation Team Leaders will be responsible to ascertain that Briefing Packets for their team are returned to the designated person at the Command Post.

g. Security

1. No information regarding the covert operation or the takedown will be discussed with anyone not immediately involved with the operation. Information will be given out on a need to know basis only.

h. Debriefing - after the takedown, each team shall report back to the Command Post or other designated location for debriefing.

i. Reports - written reports of the details of each team members activities involving the takedown will be written upon return to Command Post and forwarded to the designated person prior to being dismissed from the takedown operation.

j. News Media and Press - the Division Lieutenant supervising the overall takedown operation will assign a person to respond to all news and media inquiries. Any statement released by anyone to the news media/press must first be approved by the Game Warden Major and/or the Covert Ops. Coordinator prior to release.

VIII. Prosecution and Investigation Closure

1. Case Agent Assignments - the Covert Operations Coordinator or his designee will be assigned as Case Agent for an investigation that has been, or is about to be closed.

a. Duties of Case Agent - duties of the Case Agent assigned to handle the case will include, but are not limited to:

a(1) ensure that all investigative reports necessary to prosecute the case have been submitted and are organized in a useable manner;

a(2) present the case report(s) to the appropriate prosecutor for the drawing of appropriate complaints;

a(3) ensure that any follow up required by the prosecutor assigned to the case is carried out in an expeditious manner;

a(4) coordinate evidence testing, analysis, storage, etc., if necessary;

a(5) act as and be a liaison between the Warden Service and the District Attorney's office or other court offices, law enforcement agencies, etc. who may have an interest in the case;

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a(6) complete any other duty necessary to ensure that the investigation is brought through the court system properly; any other duty necessary to close the case successfully.

Note: The Covert Operations Coordinator may assign a Case Agent to a case at any stage of a Covert Operation.