

## **WEAPONS RESTRICTION ORDER**

*(Protection from Substantial Threats: 34-B M.R.S. § 3862-A)*

### **CHECKLIST FOR LAW ENFORCEMENT**

- Person placed in Protective Custody
- Bring the person to the local hospital emergency department and the hospital starts the process for involuntary commitment.

If there is probable cause that the person in protective custody possesses, controls, or may acquire a dangerous weapon, start the process of securing a Weapons Restrict Order.

- Complete Appendix 1: Officer's Statement of Probable Cause (sign and date)
- Complete Page 1 of the Application for Weapons Restriction Order (sign and date)
- Contact Spurwink at 207-535-2009. (If no answer, leave a voicemail and your call will be returned within 15 minutes.)
- Inform Spurwink that you are seeking an assessment for a Weapons Restriction Order:
  - Spurwink is probably going to want to Zoom as it is HIPAA compliant and the practitioner needs to see the person being assessed.
  - Determine how Spurwink wants the forms sent, e.g., by fax or email.
  - The practitioner will ask you basic questions on reason, history, known medical, etc. Be prepared to provide all information that formed the basis for your probable cause and any historical information available concerning the person being assessed.
- Forward completed Appendix 1 and Application for Weapons Restriction Order (with page 1 of WRO application completed and signed) to the Spurwink assessor.
- Once the person in protective custody is assessed (via cruiser phone or Zoom or another method), the practitioner will inform you if the person meets the requirements for a Weapons Restriction Order.
  - If the person refuses to cooperate with an assessment, the practitioner will probably request the complainant/witness/family information from you so that

they can call and complete their documentation with as much information as possible.

- The practitioner will complete Page 2 of the Application for Weapons Restriction if the person in protective custody meets the requirements for a weapons restriction order.
  - If the person does not meet the requirements for an order, return the person to hospital protective custody or release the person depending on your probable cause for protective custody.
  - If the person meets the requirements for a weapons restriction order, Spurwink will provide you with the application with Page 2 completed.
- As soon as practicable, seek the required judicial endorsement by a Superior Court Justice, District Court Judge, Judge of Probate, or Justice of the Peace of the medical practitioner's assessment and law. (*Houlton RCC maintains a list of after-hours judicial officers. Telephone 800-924-2261.*)
  - The judicial officer must complete Page 3 of the Application for Weapons Restriction Order. There is no requirement for the law enforcement officer to swear to the application and no requirement for the judicial officer to independently assess the probable cause declarations of the law enforcement officer or the likelihood of foreseeable harm.
  - Assuming Pages 1 and 2 are complete, the judicial officer will endorse the application and return it to you, at which point the Notice of Service on Restricted Person may be served.
  - Complete the NOTICE OF SERVICE ON RESTRICTED PERSON Form. As soon as practicable but no later than 24 hours after judicial endorsement, serve the Notice (if possible, read it verbatim to the restricted person, and obtain the person's signature on the form. If the person refuses to sign, indicate the refusal on the form.
- Within 24 hours but AS SOON AS POSSIBLE:
  - Notify the contact person, e.g., spouse, parent, other family member, if any.
  - Report the restricted status to the Department of Public Safety via METRO by having Dispatch enter all pertinent information into the system. Dispatch will not be able to enter a docket number yet.
  - As soon as possible, email the entire packet to the DA's Office of the prosecutorial district in which the restricted person resides.

- Once the DA's Office has the original packet, obtain a docket number for the court case. Dispatch will have to enter this into the original METRO entry.
- Has the restricted person voluntarily complied with the order?
  - If the restricted person makes all practical, immediate efforts to voluntarily comply with a surrender notice, then the person is not subject to arrest or prosecution as a prohibited person under 15 M.R.S. § 393.
  - Collect any dangerous weapons if they are in your jurisdiction and enter them into evidence for safekeeping. If outside your jurisdiction, make arrangements with the law enforcement agency of jurisdiction to collect dangerous weapons.
  - If there is probable cause to believe the restricted person possesses or controls but has not surrendered a weapon(s), obtain a warrant to search and seize such weapon(s).