

FORT FAIRFIELD POLICE DEPARTMENT

Standard Operating Procedure

109 – CRIMINAL MISCONDUCT BY EMPLOYEES

Effective Date	July 28, 2026
Legacy SOPs Replaced	SOP 31B – Criminal Conduct Engaged in by a Law Enforcement Officer
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Policy Classification	Administrative
Authority	Chief of Police
Version	1.0

I. PURPOSE

To establish procedures for reporting, documenting, investigating, referring, and resolving allegations of criminal misconduct involving agency employees in accordance with Maine law, Maine Criminal Justice Academy Board Rules and standards, constitutional requirements, collective bargaining obligations, and accepted professional law enforcement practices.

II. POLICY

Agency employees shall adhere to the highest standards of honesty, integrity, professionalism, and ethical conduct.

The agency shall promptly investigate, or ensure the investigation of, credible allegations of criminal misconduct involving any employee. Investigations shall be conducted in a fair, objective, thorough, and professional manner consistent with constitutional requirements, applicable law, collective bargaining agreements, and agency policy.

The agency recognizes that public confidence in law enforcement depends upon accountability, transparency, and the consistent handling of allegations involving employee criminal conduct.

Nothing in this policy limits constitutional protections, statutory rights, due process protections, collective bargaining rights, or protections afforded under applicable law.

Given that this is a statutorily mandated policy, failure to comply with this policy as it relates to Maine Criminal Justice Academy Board of Trustees standards may result in Board action affecting an officer's certification.

III. DEFINITIONS

Administrative Investigation: An internal investigation conducted to determine whether an employee violated agency policy, rules, regulations, procedures, directives, or professional standards.

Cleared Exceptionally: A finding that the agency is unable to complete an investigation or reach a final determination due to circumstances beyond its control, including but not limited to the inability to locate material witnesses, lack of complainant cooperation, death of a complainant or subject employee, resignation of the subject employee, or other circumstances preventing completion of the investigation.

Criminal Conduct: Conduct constituting a crime, criminal offense, violation, or unlawful act under federal, state, tribal, territorial, or local law.

Criminal Investigation: An investigation conducted to determine whether probable cause exists that a criminal offense has occurred and whether criminal charges are appropriate.

Employee: Any sworn officer, reserve officer, civilian employee, volunteer, intern, contractor, or other person acting under the authority of the agency.

Exonerated: A finding that the alleged conduct occurred but was lawful, justified, proper, and consistent with agency policy.

Internal Affairs Investigation: An administrative investigation involving alleged employee misconduct, criminal conduct, corruption, abuse of authority, dishonesty, or related conduct.

MCJA: The Maine Criminal Justice Academy.

Not Sustained: A finding that insufficient evidence exists to either prove or disprove the allegation.

Professional Standards Investigation: Any administrative review or investigation concerning employee conduct, ethics, integrity, fitness for duty, or compliance with agency policy.

Referral: Notification to an outside agency, prosecutorial authority, regulatory body, or the Maine Criminal Justice Academy regarding alleged criminal conduct or conduct affecting certification status.

Subject Employee: An employee alleged to have engaged in criminal conduct or serious misconduct.

Sustained: A finding that a preponderance of the evidence establishes that the alleged conduct occurred and constituted a violation of law, policy, rules, regulations, procedures, directives, or professional standards.

Unfounded: A finding that reasonably credible evidence establishes that the allegation is false or did not occur.

IV. LEGAL AUTHORITY

Officers and supervisors shall respond to allegations of criminal misconduct involving employees in accordance with:

- The United States Constitution;
- The Constitution of the State of Maine;
- 25 M.R.S. §§2803-B, 2806, and 2807;
- Applicable collective bargaining agreements;
- Applicable employment law;
- Maine Criminal Justice Academy Board of Trustees Rules and standards; and
- Agency policy.

Maine law requires reporting to the Maine Criminal Justice Academy when a law enforcement officer is convicted of a crime or violation, engages in conduct that may result in suspension or revocation of certification, is separated from employment under reportable circumstances, or otherwise meets statutory reporting criteria.

The Chief Law Enforcement Officer (CLEO) or designee shall comply with all reporting obligations established by law, Board of Trustees rules, mandatory disclosure requirements and agency policy.

Employees accused of criminal misconduct retain all constitutional rights afforded under the United States Constitution and the Constitution of the State of Maine, including protections against unreasonable searches and seizures, compelled self-incrimination, and deprivation of due process.

V. OPERATIONS

A. Reporting Allegations

Any employee receiving information regarding alleged criminal conduct by an agency employee shall immediately notify a supervisor.

The supervisor shall immediately notify the Chief Law Enforcement Officer or designee.

Employees shall cooperate with lawful administrative and criminal investigative processes consistent with constitutional protections, collective bargaining obligations, and agency policy.

No employee shall knowingly conceal, ignore, or fail to report credible allegations of criminal conduct involving another employee.

B. Initial Supervisory Responsibilities

A supervisor receiving allegations of criminal misconduct shall:

- A. Ensure the immediate safety of people involved;
- B. Evaluate the seriousness of the allegation;
- C. Preserve evidence;
- D. Identify witnesses;
- E. Document information received;
- F. Prevent destruction, alteration, or loss of evidence; and
- G. Notify command staff.

Supervisors shall avoid actions that could compromise criminal investigations, administrative investigations, prosecutorial review, or evidence preservation.

Supervisors shall also ensure potentially conflicting personnel are separated when necessary to preserve investigative integrity, public confidence, or operational safety.

C. Criminal and Administrative Investigations

Allegations of criminal misconduct may involve both criminal and administrative investigative components.

The agency shall consult with the appropriate prosecutorial authority when determining whether criminal investigation, administrative investigation, or parallel investigative processes are appropriate.

Administrative investigations shall not improperly interfere with criminal investigations, prosecutorial decisions, or constitutional protections.

Administrative investigations may proceed concurrently with criminal investigations when legally permissible and operationally appropriate.

Compelled administrative interviews shall comply with Garrity requirements.

Criminal investigation interviews shall comply with constitutional protections.

D. Outside Agency Investigations

The CLEO has full discretion to request investigation or review by an outside law enforcement agency, the Office of the Attorney General, or another authorized investigative entity.

Outside investigation should be strongly considered when:

- A. Allegations involve agency leadership;
- B. Criminal conduct is alleged;
- C. Excessive force is alleged;
- D. Civil rights violations are alleged;
- E. Officer-involved deaths involve allegations of misconduct;
- F. Conflicts of interest exist within the agency;
- G. Specialized investigative expertise is required; or
- H. Independent review is necessary to preserve public confidence.

E. Administrative Leave or Duty Restrictions

An employee alleged to have engaged in criminal conduct may be:

- Assigned to administrative duties;
- Placed on administrative leave;
- Relieved of police authority;
- Required to surrender agency property;
- Restricted from accessing agency facilities, systems, or equipment; and/or
- Subject to other lawful administrative action.

Administrative action under this section is not disciplinary in nature unless otherwise specified through applicable procedures.

F. Employee Rights and Representation

Employees subject to administrative or criminal investigation shall retain rights afforded by:

- The United States Constitution;
- The Constitution of the State of Maine;
- Applicable labor agreements;
- Garrity protections;
- Weingarten protections;
- Applicable employment law; and
- Agency policy.

Employees shall be notified of investigative interviews, representation rights, and applicable administrative procedures when required by law and/or labor agreement.

Nothing in this policy shall be interpreted to compel a waiver of constitutional rights.

G. Evidence and Confidentiality

Investigative records, evidence, reports, recordings, digital evidence, photographs, and related materials shall be secured and maintained in accordance with law, evidentiary requirements, confidentiality requirements, and agency policy.

Information related to ongoing investigations shall be disclosed only to authorized individuals with a legitimate need to know.

Unauthorized disclosure of confidential investigative information is prohibited and may result in disciplinary action or criminal investigation.

H. MCJA Reporting and Referral

When required by law, the CLEO or designee shall expeditiously notify the Director of the Maine Criminal Justice Academy regarding:

- Criminal convictions;
- Conduct potentially affecting certification;
- Separation resulting from reportable conduct;
- Mandatory disclosure matters;
- Revocation or suspension issues; or
- Other reportable events required by law or Board of Trustees rules.

The agency shall comply with all reporting obligations established by 25 M.R.S. §§2806 and 2807 and all mandatory disclosure requirements established by law and MCJA Board Rule.

The Chief Law Enforcement Officer or designee shall document all required notifications, referrals, consultations, and reporting decisions within the investigative file.

I. Findings and Dispositions

Investigations conducted under this policy may result in one or more of the following findings:

Sustained

A preponderance of the evidence establishes that the alleged conduct occurred and constituted a violation of law, policy, rules, regulations, procedures, directives, or professional standards.

Exonerated

The conduct occurred but was lawful, justified, proper, and consistent with agency policy.

Unfounded

Reasonably credible evidence establishes that the allegation is false or did not occur.

Not Sustained

Insufficient evidence exists to either prove or disprove the allegation.

Cleared Exceptionally

The agency is unable to complete the investigation or reach a final determination due to circumstances beyond its control.

Administrative findings and criminal charging decisions are separate determinations and may reach different conclusions based upon differing legal standards, burdens of proof, and evidentiary requirements.

J. Training

The agency shall provide training regarding:

- Ethics and integrity;
- Criminal misconduct reporting obligations;
- Constitutional protections;
- Administrative and criminal investigations;
- Garrity principles;
- Weingarten principles;
- Duty to report misconduct;

- MCJA reporting requirements;
- Mandatory disclosure obligations; and
- Professional standards investigations.

Training shall be provided as necessary to ensure compliance with law, Board of Trustees standards, and agency policy.

APPENDIX A

BOT & MLEAP STANDARDS CROSSWALK

Purpose, Policy and Legal Authority Authority

25 M.R.S. § 2803-B(1) – Criminal Conduct by Law Enforcement Officers
25 M.R.S. §§ 2806 and 2807 – Officer Certification and Reporting Requirements

BOT 10-1 – Policy Statement

BOT 10-5 – Compliance with Criminal Conduct Standards

Addressed in: Sections I, II, IV

Definitions

Authority

BOT 10-2 – Required Definitions

Addressed in: Section III

Reporting Allegations

Authority

BOT 10-2 – Reporting Requirements

MLEAP 2.12 – Professional Conduct

Addressed in: Section V(A)

Initial Supervisory Responsibilities

Authority

BOT 10-2 – Supervisory Responsibilities

MLEAP 5.5.1 – Supervisory Responsibilities

Addressed in: Section V(B)

Administrative and Criminal Investigations

Authority

BOT 10-3 – Investigation Requirements

Addressed in: Sections V(C), V(D)

Administrative Leave and Duty Restrictions

Authority

MLEAP 2.12 – Professional Conduct

Addressed in: Section V(E)

Employee Rights and Representation

Authority

United States Constitution

Constitution of the State of Maine
Addressed in: Sections IV, V(F)

Evidence Security and Confidentiality

Authority

MLEAP 5.01 – Privacy and Security of Records

MLEAP 5.03 – Release of Information

Addressed in: Section V(G)

MCJA Reporting and Referral

Authority

25 M.R.S. §§ 2806 and 2807 – Officer Certification and Reporting Requirements

BOT 10-4 – MCJA Notification

Addressed in: Sections IV, V(H), Appendix B

Findings and Dispositions

Authority

BOT 10-3 – Investigation Requirements

Addressed in: Section V(I)

Training

Authority

MLEAP 3.06 – In-Service Sworn Officer Training

Addressed in: Section V(J)

APPENDIX B – MCJA REPORTING GUIDELINES

Reportable conduct may include:

- Criminal convictions;
- Conduct resulting in separation from employment;
- Conduct involving dishonesty;
- Conduct involving abuse of authority;

- Conduct involving unlawful force;
- Conduct involving moral turpitude;
- Conduct involving domestic violence;
- Conduct involving unlawful drug activity;
- Conduct subject to mandatory disclosure requirements;
- Other conduct potentially affecting certification status.

Nothing in this appendix limits statutory reporting obligations established under Maine law, Board of Trustees rules, or mandatory disclosure requirements.