



Janet T. Mills
Governor

STATE OF MAINE
Department of Public Safety
104 State House Station
Augusta, Maine
04333-0104



Michael J. Sauschuck
Commissioner

To: Senate Chair Anne Carney
House Chair Matt Moonen
Members of the Committee on Judiciary

From: Michael J. Sauschuck, Commissioner of the Department of Public Safety

Ref: Statutorily Required Weapons Restriction Order Annual Report

Date: May 1, 2023

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary. My name is Mike Sauschuck and I'm the Commissioner for the Department of Public Safety.

As you might remember, in the 130th Legislature H.P. 629 - L.D. 861 a "**Resolve, Directing the Department of Health and Human Services to Contract for Assessments for Involuntary Hospitalizations**" was ultimately amended and titled: "**Resolve, Concerning Training and Assessments Related to Protection from Substantial Threats**". The resolve was approved by the Governor on April 18, 2022.

A link to the resolve can be found here [H.P. 629 - L.D. 861](#) but it essentially included two basic goals.

- 1. In 2022, the Department of Public Safety shall conduct one mandatory training program for all law enforcement officers on the temporary weapons removal process. In 2023 and 2024, the department shall conduct at least one voluntary training program for law enforcement officers on the temporary weapons removal process per year.**

In October of 2022, AGO Chief of Investigations Brian MacMaster and MCJA Training Coordinator Don Finnegan updated the "Restricting Access to Dangerous Weapons" lesson plan to incorporate the new protective custody standards and the new telehealth option for weapons restriction order assessments. The lesson plan was included as a mandated training topic for 2022 under the new law/case law update block of instruction.

- 2. Beginning March 1, 2023, and each March 1st until March 1, 2026, the Department of Public Safety shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the following:**

Offices Located At:
Central Maine Commerce Center
45 Commerce Drive
Augusta, Maine 04333

(207) 626-3800 (Voice)

(207) 287-3659 (Fax)

(207) 287-3659 (TTY)

1. Participation in the training programs under section 1.

All 2810 full time and 508 part time certified law enforcement officers in the State of Maine were required to complete this 90-minute block of instruction in 2022.

2. Materials for the training programs under section 1.

See attachment.

3. Identification of telehealth services providers contracted by the State and credentials of all providers conducting temporary weapons removal assessments.

Spurwink is the sole contractor for these lifesaving assessments. The actual assessments are conducted out of the Living Room Crisis Center program in Portland.

All telehealth assessments have been completed by board certified psychiatric nurse practitioners.

4. The number of temporary weapons removal assessments conducted per month, including: See attachment for the complete list.

A. The number of temporary weapons restriction assessments conducted in person, including the locations.

Between April 18 2022, when Governor Mills signed the resolve and March 1st 2023, the due date for this report, 6 assessments were conducted in person. All assessments were conducted in the following hospital emergency rooms; Southern Maine Healthcare, Maine General Medical Center, St. Joseph Hospital, Houlton Regional Hospital, Franklin Memorial Hospital and Pen Bay Medical Center.

B. The number of temporary weapons restriction assessments conducted by telehealth services providers contracted by the State, and the locations where the persons being assessed were located during the temporary weapons restrictions assessments.

Spurwink began conducting telehealth weapons restriction assessments for the state in October of 2022. The first telehealth assessment was conducted on December 4th, 2022. Five total telehealth assessments were conducted between March 1st, 2022, and February 8th, 2023. All assessments were completed while individuals were in protective custody and in hospital emergency departments.

C. The number of temporary weapons restriction assessments that recommended temporary weapons removal.

Weapons removal was recommended in all known in person and telehealth assessments.

D. For recommended temporary weapons restrictions, whether the restrictions were based on the person's being assessed as: (1) Predominantly a threat to self; (2) Predominantly a threat to others; or (3) A threat to both self and others; and

During in person assessments, three were predominantly threats to self, one was threats to others, and two were a threat to both self and others.

Of telehealth assessments, three were predominantly threats to self, two were threats to others, and one was a threat to both self and others.

E. The number of temporary weapons restriction assessments that were requested by law enforcement officers but not conducted and the reasons they were not conducted.

Law enforcement agencies and their officers are under no obligation to contact the Department of Public Safety when their request for an assessment is denied so I'm unable to provide this information for in person assessment requests. We do know however that no telehealth assessments were requested, but not completed.

It should be noted that we've successfully utilized the existing statute on 54 occasions since its effective date on 7/01/2020 with Spurwink recently completing their 23rd assessment via telehealth.

Respectfully,



Michael Sauschuck
Commissioner
Maine Department of Public Safety