



AGENDA
ITEM # 9a

Office of the POLICE DEPARTMENT
DENNIS WOESSNER, CHIEF OF POLICE

January 9, 2020

To: David Cox, Town Manager
From: Dennis Woessner, Chief of Police
Subject: General Order approval

Attached to this memorandum is a General Order which I am submitting for approval:

General Order 4.9, **Complaints that Allege Misconduct by Law Enforcement Personnel**, is a new General Order which is replacing two existing General Orders. General Order 4.1, **Citizen Complaint Process**, and General Order 4.2, **Investigation of Misconduct and Citizen Complaints**, both meet the requirements of the Police Officer Standards and Training Council (POSTC), but the two policies are redundant in many ways.

The new General Order 4.9 mirrors the POSTC model policy dealing with Complaints that Allege Misconduct by Law Enforcement Personnel, that was approved by the passage of Public Act 14-166, as outlined in POSTC General Notice 15-03.

I have included copies of the General Orders that are being replaced, the new General Order, as well as POSTC General Notice 15-03 for your review.





EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 4.9

DISCIPLINARY PROCEDURES

| | | |
|---|------------------------|------------------------------------|
| SUBJECT: COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT PERSONNEL | | |
| Issue Date: | Effective Date: | Distribution: All Personnel |
| Amends/Rescinds GO: | | Review Date: / / |
| Per Order of: <div style="text-align: center; margin-top: 10px;"> </div> Dennis Woessner, Chief of Police | | |
| <i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i> | | |

I. PURPOSE:

The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by law enforcement agency personnel in the State of Connecticut. Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

II. POLICY:

The agency shall respond to allegations of misconduct or malfeasance against its employees consistent with this policy and fairly and impartially investigate all complaints or allegations of such conduct to determine their validity. The Department shall impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner. The Department shall accept and document all complaints against any employee regardless of whether the filed complaint is in writing, verbal, in person, by mail, by telephone (or TDD), by facsimile, electronic, or anonymous.

1. There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.
2. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
3. Officers who withhold information, fail to cooperate with department investigations or who fail to report alleged misconduct or malfeasance of employees to a supervisor shall be subject to disciplinary action.

III. DEFINITIONS:

1. Complaint: An allegation of employee misconduct or malfeasance.
2. Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
3. Complaint Control Number: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
4. Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.
5. Employee: Any person employed by the agency, whether sworn or non-sworn.
6. Internal Affairs Division or Unit: The designated division, unit or person with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.
7. Malfeasance: Illegal or dishonest activity especially by a public official.
8. Misconduct: Any act or omission by an employee that is illegal or which violates established policy.
9. Supervisor: Includes those holding the rank of Sergeant or higher.

IV. PROCEDURES:**A. Internal Affairs Responsibility**

The Office of the Chief of Police has primary oversight and authority over investigation of complaints made against employees. Upon receipt of a complaint, the Chief of Police will assure that the complaint is assigned to the appropriate division, unit, person or designated supervisor for investigation through the appropriate chain of command.

The designated division, unit, person or supervisor shall be responsible for:

1. Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
2. Investigating and determining the nature, facts and circumstances of every complaint.
3. Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of that investigation.
4. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.
5. Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

B. Acceptance, Filing and Intake of Complaints**1. General**

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this agency. All sworn and civilian employees shall be required to accept a complaint alleging misconduct or malfeasance by agency personnel. All employees must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. Employees have a duty to assist any person who wishes to file a citizen's complaint by documenting the information and allegations they provide, advising the individual how to proceed, and by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint. No employee shall refuse to assist any person who wishes to file a

citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint.

2. Acceptance of Complaint

a. The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation or a standardized form that exceeds the model form adopted. Each complaint shall be assigned a Complaint Control Number (CCN) to track complaints and a copy of this form shall be filed in a separate Complaint File.

b. Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, and electronically, or by any other means. Anonymous and third party complaints will be accepted.

c. All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes:

- (1) Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
- (2) Explaining the Department's complaint procedures.
- (3) Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
- (4) Ensuring that complainants who are unable to read, write or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.

d. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation, record contact information from the complainant if provided and obtain a Complaint Control Number (CCN) which should be provided to the complainant.

e. If a supervisor is not readily available, the officer will inform the

complainant that they will be contacted by a supervisor or the person or unit assigned to conduct internal affairs investigations by the next business day.

f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.

g. All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information (name, address, date of birth, telephone number, or other contact information, if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.

h. The withdrawal of a complaint does not prohibit the agency from completing an investigation.

i. If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police or the Chiefs designee where they will be officially received. These complaints shall be assigned a Complaint Control Number. A letter of acknowledgment must be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned.

j. Walk-in complaints, shall be referred to a Supervisor who shall then forward the complaint to the Internal Affairs designee. After the complaint is received and properly documented, the complainant may be placed under oath and requested to sign the complaint after reading or having it read to them the warning for perjury or false statement. If the complainant refuses to sign the complaint or acknowledge the oath, the complaint will still be accepted and investigated, however the refusal to sign or acknowledge shall be noted. In any event, the complaint will be assigned a Complaint Control Number and forwarded as above.

k. Telephone complaints shall be referred to a Supervisor or the internal affairs designee. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location, and proceed as described in the foregoing paragraph.

l. Complaints from the field in which any member of the agency is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to a supervisor. The

complainant shall be requested to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that he/she may respond to the agency headquarters to make his/her complaint.

3. Validity and Timeliness of Complaints

a. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety

b. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant, or has resulted in the loss or destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report.

Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.

4. Complainant Who Fears Retaliation Associated With Filing A Complaint

If a complainant expresses fears of retaliation as a result of filing a complaint, they must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the unit, supervisor or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

V. INVESTIGATION OF COMPLAINTS

A. The Chief of Police or the Chiefs designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be completed in a timely manner within the time limits determined by the Chief of Police, including extensions granted by the Chief of Police or designee for good cause.

B. Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and (4) that they may contact the designated investigator (identify by name, telephone and/or email) at any time for further information while the investigation is pending.

C. The subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements. In the absence of an applicable labor agreement, an employee who is the subject of a complaint shall be notified in writing within five (5) business days of the receipt of such complaint of; (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.

(1) Where prior notification of the subject of a complaint is reasonably likely to impede the progress of an investigation, result in the loss or destruction of evidence, or jeopardize the safety of any individual, the Chief of Police may direct in writing that such notification be delayed, stating the reasons therefore and the anticipated extent of the delay.

D. Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.

VI. REVIEW OF THE INVESTIGATION

A. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.

B. The completed report of investigation, disciplinary recommendation if any and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.

C. The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Chief of Police or his designee.

D. Findings of completed investigations and disciplinary recommendations if any, shall be promptly conveyed, in writing, to the employee through his or her chain of command.

VII. CASE DISPOSITIONS — STANDARDS

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:

a. **Exonerated:** The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.

b. **Unfounded:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.

c. **Not Sustained:** The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.

d. **Sustained:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation.

e. **Misconduct Not Based on Original Complaint:** The investigation determined by a preponderance of the evidence that other misconduct or malfeasance which was not the basis for the original investigation occurred, was discovered during the course of the original investigation, and was committed by the subject of the investigation.

f. **Withdrawn:** At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued

and concurrence for this action was obtained from the Chief of Police.

g. Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies or procedures as defined by this agency. Summary actions are the lowest level of disciplinary action or remediation.

h. Reconciled: At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Chief of Police, supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This may be used where the complaint is from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:

- a. Discredit upon the agency.
- b. Discredit upon the involved employee.
- c. Commission of a criminal offense; or
- d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

Reconciliation must be documented through the chain of command to the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.

VIII. TRAINING

All supervisory personnel will be required to attend training on the department's Complaint Policy and the responsibilities of supervisors conducting internal investigations upon the implementation of this policy.

All supervisory personnel will be required to attend periodic refresher training, as determined by the department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigation.

IX. PUBLIC INFORMATION AND ACCESS

The Chief of Police will:

- A. Ensure informational materials are made available to the public through police personnel, the police department facility, the police agency web site, the general

COMPLAINTS THAT ALLEGE MISCONDUCT
BY LAW ENFORCEMENT PERSONNEL

government web site of the agency, the internet, libraries, community groups, community centers and at other designated public facilities.

B. Ensure that copies of this policy and complaint forms are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located. This information should include relevant phone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish.

C. The complaint policy and forms should be made available online where the agency, or the municipality served by the law enforcement agency, has an Internet website.

East Hampton Departamento de Policías

Ciudadano Formulario de Queja

Por favor complete este formulario y llévelo a un supervisor en el departamento de policías o lo puede mandar por el correo o correo electrónico a la Oficina de Asuntos Internos (Internal Affairs Unit) de esta agencia. La dirección es: Chief Dennis Woessner, East Hampton Police Department, 20 E. High St., East Hampton, Connecticut 06424. Email: dwoessner@easthamptonct.gov

| Date of Incident (Fecha del Incidente) | Time of Incident (Hora del Incidente) | Date Reported (Día denunciado) | Time Reported (Hora denunciado) | | | | | | | | | | | | | | | | | | |
|---|---|--|---|--------|-------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Location of Incident (Dirección donde ocurrió el incidente) | | | | | | | | | | | | | | | | | | | | | |
| Complainant's Name (Su Nombre) | | Complainant's Address (Su Dirección: Calle, Ciudad, Estado, código postal) | | | | | | | | | | | | | | | | | | | |
| Complainant's DOB (fecha de nacimiento) | Complainant's Home Phone # (su # de teléfono) | Complainant's Work Phone# (Su # teléfono en el empleo) | | | | | | | | | | | | | | | | | | | |
| Complainant's Cell Phone# (Su número Celular) | | Complainant's E-mail (Su Correo Electrónico) | | | | | | | | | | | | | | | | | | | |
| Employer (Empleador) | | Occupation (Ocupación) | | | | | | | | | | | | | | | | | | | |
| Employer's Address (Dirección de su empleador) | | Employer's Telephone (Teléfono de su empleador) | | | | | | | | | | | | | | | | | | | |
| Name of Person Assisting Complainant (Nombre de la persona ayudándote) | Address (Dirección de la persona ayudándole) | Telephone (Teléfono) | | | | | | | | | | | | | | | | | | | |
| Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.) (El nombre de la persona (s) en quien tienes la queja o si no una descripción, número de placa, numero del carro). | | | | | | | | | | | | | | | | | | | | | |
| Witness Information (Name, D.O.B., Address, Telephone #, etc.) Información de los testigos: Nombre, fecha de nacimiento, teléfono). | | | | | | | | | | | | | | | | | | | | | |
| Por Favor conteste las siguientes preguntas: | | | <table border="1"> <thead> <tr> <th>YES/SI</th> <th>NO/NO</th> <th>UNSURE/ No estoy seguro</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> | YES/SI | NO/NO | UNSURE/ No estoy seguro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| YES/SI | NO/NO | UNSURE/ No estoy seguro | | | | | | | | | | | | | | | | | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | |
| Si contestaste afirmativo "Si" a una de estas preguntas, por favor, escribe los detalles utilizando el reverso de este papel. | | | | | | | | | | | | | | | | | | | | | |

Escriba los detalles del incidente: Por favor necesitamos las circunstancias que lo hicieron dar esta queja. Añade documentos que pueden apoyar su reclamación, incluya correspondencia, fotografías, grabaciones de vídeos, y audio etcétera.

(Attach additional pages, if necessary) (Añade mas paginas si es necesario)

Yo leí, o me leyeron, la denuncia que he puesto de lo que ocurrió y provoco mi queja que tiene ___ páginas. Todo lo que he escrito es la verdad y exacto lo mejor de mi profundo conocimiento. Yo comprendo que es una violación presentar una denuncia falsa. Si yo he hecho una denuncia intentando de engañar un policía en su función oficial es una violación de las leyes del estado de Connecticut Estatuto General 53a-157b ay puede resultar en mi arresto o una multa o también ir a la cárcel.

| | |
|---|---|
| Complainant's Signature (Denunciador Firme Aquí) | Date and Time Signed (Fecha y Hora que Firmo) |
| La área debajo es para el notario publico (Area below is for the Notary) | |
| On this the ____ day of _____, _____, the complainant whose name is subscribed above, personally appeared before me, the undersigned Officer, and acknowledged that he/she truthfully executed this instrument for the purposes herein contained. | Notary (For Authority See C.G.S. §§1-24, 3-94a et seq.) |
| | Print Rank/Name/ID Number: |

| Person Receiving the Complaint (Persona que recibe el formulario de queja) | | |
|--|---------------|---------------|
| Rank/Name/ ID Number | Date Received | Time Received |

Como prefiere que lo contactemos?

- teléfono
 En persona
 Por Correo
 Correo Electrónico
 Otro

| | |
|---|--|
| Signature of person receiving complaint (Firma de la persona que recibe su queja) | Complaint Control Number (Número Asignado) |
|---|--|

East Hampton Police Department

CIVILIAN COMPLAINT REPORT

Please give this completed document to a Police Supervisor or send it to the Internal Affairs Unit of this agency at the following address or email: Chief Dennis Woessner, East Hampton Police Department, 20 E. High St., East Hampton, Connecticut 06424. Email: dwoessner@easthamptonct.gov

| | | | | | |
|---|---------------------------|--|--------------------------|--------------------------|--------------------------|
| Date of Incident | Time of Incident | Date Reported | Time Reported | | |
| Location of Incident | | | | | |
| Complainant's Name | | Complainant's Address (Street, City, State, ZIP) | | | |
| Complainant's DOB | Complainant's Home Phone# | Complainant's Work Phone# | | | |
| Complainant's Cell Phone# | | Complainant's E-mail | | | |
| Employer | | Occupation | | | |
| Employer's Address | | Employer's Telephone | | | |
| Name of Person Assisting Complainant | Address | Telephone | | | |
| Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.) | | | | | |
| Witness Information (Name, D.O.B., Address, Telephone #, etc.) | | | | | |
| Please provide answers to the following questions: | | | YES | NO | UNSURE |
| 1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are you afraid for your safety, or that of any other person, for any reason as a result of making this complaint? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Has anyone threatened you or otherwise tried to intimidate you in an effort to prevent you from making this complaint? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are you able to read, write and speak the English Language? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If your answer to Question #4 is "No" or "Unsure", have you been provided with adequate language assistance to help you understand and fill out this form? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>(If you answered "Yes" to any of the above questions, please provide details below.)</i> | | | | | |



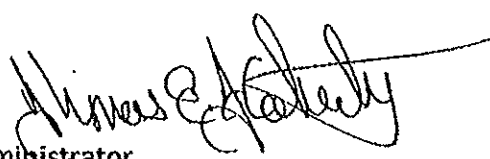
State of Connecticut
Police Officer Standards and Training Council
Connecticut Police Academy



GENERAL NOTICE 15-03

To: Chief Law Enforcement Officers
 Training Officers
 Protective Services
 Resident Troopers

From: Thomas E. Flaherty
 Police Academy Administrator



Date: May 18, 2015

Subject: **Council Action – Adoption of a Mandatory Uniform Policy Concerning Complaints That Allege Misconduct By Law Enforcement Agency Personnel**

At the regular May, 2015 Meeting of the Police Officer Standards and Training Council on May 14, 2015, the Council adopted the attached documents entitled "Mandatory Uniform Policy – Complaints That Allege Misconduct By Law Enforcement Agency Personnel" pursuant to Public Act No. 14-166.

Also included with this notice and Policy are:

1. A standardized form to record such complaints – "Uniform Civilian Complaint Report".
2. A copy of Public Act No. 14-166.

Please note that Public Act No. 14-166 requires that "Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement" this policy.

Please also note that Public Act No. 14-166 Section 1. (c) requires that "Upon implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council."





State of Connecticut

Police Officer Standards and Training Council

Connecticut Police Academy



May 14, 2015

Police Officer Standards and Training Council

Mandatory Uniform Policy

Complaints That Allege Misconduct By Law Enforcement Agency Personnel

1. Background: Public Act No.14-166 provides that "Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel."

The Act also provides among other things that "Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council."

Additionally, the Act requires that "Upon the adoption of the policy developed by the Police Officer Standards and Training Council, or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that:

- (A) Copies of the policy are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located, and
- (B) The policy is available on the law enforcement agency's Internet web site or the Internet web site of the municipality served by the law enforcement agency."

ii. Purpose: The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by law enforcement agency personnel in the State of Connecticut.



CALEA Internationally Accredited Public Safety Training Academy
285 Preston Avenue • Meriden, Connecticut 06450-4891
An Equal Opportunity and Affirmative Action Employer

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2. Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
3. Complaint Control Number: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
4. Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.
5. Employee: Any person employed by the agency, whether sworn or non-sworn.

6. Internal Affairs Division or Unit: The designated division, unit or person with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.
7. Malfeasance: Illegal or dishonest activity especially by a public official.
8. Misconduct: Any act or omission by an employee that is illegal or which violates established policy.
9. Supervisor: Includes those holding the rank of Sergeant or higher.

V. Procedures:

A. Internal Affairs Responsibility

The Office of the Chief of Police has primary oversight and authority over investigation of complaints made against employees. Upon receipt of a complaint, the Chief of Police will assure that the complaint is assigned to the appropriate division, unit, person or designated supervisor for investigation through the appropriate chain of command.

The designated division, unit, person or supervisor shall be responsible for:

1. Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
2. Investigating and determining the nature, facts and circumstances of every complaint.
3. Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of that investigation.
4. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.
5. Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

B. Acceptance, Filing and Intake of Complaints:

1. General:

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this agency. All sworn and civilian employees shall

be required to accept a complaint alleging misconduct or malfeasance by agency personnel. All employees must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. Employees have a duty to assist any person who wishes to file a citizen's complaint by documenting the information and allegations they provide, advising the individual how to proceed, and by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint. No employee shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint.

2. Acceptance of Complaint:

a. The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation or a standardized form that exceeds the model form adopted. Each complaint shall be assigned a Complaint Control Number (CCN) to track complaints and a copy of this form shall be filed in a separate Complaint File.

b. Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, and electronically, or by any other means. Anonymous and third party complaints will be accepted.

c. All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes:

1. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.

2. Explaining the Department's complaint procedures.

3. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.

4. Ensuring that complainants who are unable to read, write or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.

d. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation, record contact information from the complainant if provided and obtain a Complaint Control Number (CCN) which should be provided to the complainant.

e. If a supervisor is not readily available, the officer will inform the complainant that they will be contacted by a supervisor or the person or unit assigned to conduct internal affairs investigations by the next business day.

f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.

g. All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information (name, address, date of birth, telephone number, or other contact information, if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.

h. The withdrawal of a complaint does not prohibit the agency from completing an investigation.

i. If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police or the Chief's designee where they will be officially received. These complaints shall be assigned a Complaint Control Number. A letter of acknowledgment must be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned.

j. Walk-in complaints, shall be referred to a Supervisor who shall then forward the complaint to the Internal Affairs designee. After the complaint is received and properly documented, the complainant may be placed under oath and requested to sign the complaint after reading or having it read to them the warning for perjury or false statement. If the complainant refuses to sign the complaint or acknowledge the oath, the complaint will still be accepted and investigated, however the refusal to sign or acknowledge shall be noted. In any event, the complaint will be assigned a Complaint Control Number and forwarded as above.

k. Telephone complaints shall be referred to a Supervisor or the internal affairs designee. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location, and proceed as described in the foregoing paragraph.

l. Complaints from the field in which any member of the agency is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be

reported to a supervisor. The complainant shall be requested to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that he/she may respond to the agency headquarters to make his/her complaint.

3. Validity and Timeliness of Complaints:

a. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety

b. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant, or has resulted in the loss or destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report.

Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.

4. Complainant Who Fears Retaliation Associated With Filing A Complaint:

If a complainant expresses fears of retaliation as a result of filing a complaint, they must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the unit, supervisor or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

VI. Investigation of Complaints:

a. The Chief of Police or the Chief's designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs

investigations shall be completed in a timely manner within the time limits determined by the Chief of Police, including extensions granted by the Chief of Police or designee for good cause.

b. Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and (4) that they may contact the designated investigator (identify by name, telephone and/or email) at any time for further information while the investigation is pending.

c. The subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements. In the absence of an applicable labor agreement, an employee who is the subject of a complaint shall be notified in writing within five (5) business days of the receipt of such complaint of; (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.

1. Where prior notification of the subject of a complaint is reasonably likely to impede the progress of an investigation, result in the loss or destruction of evidence, or jeopardize the safety of any individual, the Chief of Police may direct in writing that such notification be delayed, stating the reasons therefor and the anticipated extent of the delay.

d. Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.

VII. Review of The Investigation:

a. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.

b. The completed report of investigation, disciplinary recommendation if any and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.

c. The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Chief of Police or his designee.

d. Findings of completed investigations and disciplinary recommendations if any, shall be promptly conveyed, in writing, to the employee through his or her chain of command.

VIII. Case Dispositions – Standards:

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:

a. **Exonerated:** The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.

b. **Unfounded:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.

c. **Not Sustained:** The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.

d. **Sustained:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation.

e. **Misconduct Not Based on Original Complaint:** The investigation determined by a preponderance of the evidence that other misconduct or malfeasance which was not the basis for the original investigation occurred, was discovered during the course of the original investigation, and was committed by the subject of the investigation.

f. **Withdrawn:** At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police.

g. **Summary Action:** Disciplinary action in the form of an oral reprimand, or counseling documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies or procedures as defined by this agency. Summary actions are the lowest level of disciplinary action or remediation.

h. **Reconciled:** At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Chief of Police,

supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This may be used where the complaint is from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:

- a. Discredit upon the agency.
- b. Discredit upon the involved employee.
- c. Commission of a criminal offense; or
- d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

Reconciliation must be documented through the chain of command to the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.

IX. Training:

All supervisory personnel will be required to attend training on the department's Complaint Policy and the responsibilities of supervisors conducting internal investigations upon the implementation of this policy.

All supervisory personnel will be required to attend periodic refresher training, as determined by the department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigation.

X. Public Information and Access:

The Chief of Police will:

- a. Ensure informational materials are made available to the public through police personnel, the police department facility, the police agency web site, the general government web site of the agency, the internet, libraries, community groups, community centers and at other designated public facilities.
- b. Ensure that copies of this policy and complaint forms are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located. This information should include relevant phone numbers and any

addresses where complaints can be made. This information must explain the complaint process in English and Spanish.

- c. The complaint policy and forms should be made available online where the agency, or the municipality served by the law enforcement agency, has an Internet website.

(Name of Law Enforcement Agency)

UNIFORM CIVILIAN COMPLAINT REPORT

Please give this completed document to a Police Supervisor or send it to the Internal Affairs Unit of this agency at the following address or email: [Chief of Police], [Name of Agency], [street address and/or P.O. Box], [City], Connecticut [Zip-code]. Email: xxxxxxxx@xxx.com

| | | | | | |
|---|----------------------------|--|--------------------------|--------------------------|--------------------------|
| Date of Incident | Time of Incident | Date Reported | Time Reported | | |
| Location of Incident | | | | | |
| Complainant's Name | | Complainant's Address (Street, City, State, ZIP) | | | |
| Complainant's DOB | Complainant's Home Phone # | Complainant's Work Phone # | | | |
| Complainant's Cell Phone # | | Complainant's E-mail | | | |
| Employer | | Occupation | | | |
| Employer's Address | | | Employer's Telephone | | |
| Name of Person Assisting Complainant | Address | | Telephone | | |
| Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.) | | | | | |
| Witness Information (Name, D.O.B., Address, Telephone #, etc.) | | | | | |
| Please provide answers to the following questions: | | | Yes | No | Unsure |
| 1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are you afraid for your safety, or that of any other person, for any reason as a result of making this complaint? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Has anyone threatened you or otherwise tried to intimidate you in an effort to prevent you from making this complaint? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are you able to read, write and speak the English Language? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If your answer to Question #4 is "No" or "Unsure," have you been provided with adequate language assistance to help you understand and fill out this form? | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>(If you answered "Yes" to any of the above questions, please provide details below.)</i> | | | | | |



Senate Bill No. 55

Public Act No. 14-166

AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective July 1, 2014) (a) Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel.

(b) In developing the written policy, the council shall consider: (1) Whether all sworn officers and civilian employees of a law enforcement agency shall be required to accept a complaint alleging misconduct by the agency's law enforcement personnel, (2) the means or processes to be used for accepting such complaint from a member of the public, including the acceptance of an anonymous complaint or a complaint made by a complainant on behalf of another person, (3) the necessity of requiring a sworn statement from a complainant, (4) protections that may be afforded to a complainant who fears retaliation associated with the filing of such complaint, (5) the use of a standardized form to record such complaint, (6) permissible time frames associated with the filing of such complaint, (7) protocols for the investigation of such a complaint, (8) documentation requirements relating to the receipt of such complaint and its disposition, and (9) the process for informing a known complainant of the disposition of such complaint.

(c) Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council. Upon the adoption of the policy developed by the Police Officer Standards and Training Council or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that: (A) Copies of the policy are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located, and (B) the policy is available on the

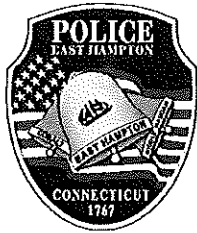
law enforcement agency's Internet web site or the Internet web site of the municipality served by the law enforcement agency.

(d) For purposes of this section, "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

Approved June 11, 2014

This policy and complaint form can be found as a Word Document at the POST website www.ct.gov/post.


Questions or comments may be directed to my attention in writing either by e-mail or letter.



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 4.2

DISCIPLINARY PROCEDURES

| | | |
|--|--------------------------|-----------------------------|
| SUBJECT: INVESTIGATION OF MISCONDUCT AND CITIZEN COMPLAINTS | | |
| Issue Date: 5/2/2014 | Effective Date: 4/8/2014 | Distribution: All Personnel |
| Amends/Rescinds GO: | | Review Date: |
| Per Order of: | | |
|  Sean Cox, Chief of Police | | |
| <small><i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i></small> | | |

I. PURPOSE

The purpose of this policy is to provide all East Hampton Police Department (“EHPD” or “Department”) employees, and the public, the procedures for processing and investigating allegations of officer misconduct or citizen complaints. EHPD Officers and employees are expected to maintain the highest standards of conduct. Officers shall conduct themselves properly and professionally, on or off duty. The purpose of this policy is to establish responsibilities and procedures for conducting investigations of misconduct and serious misconduct (administrative and/or criminal) that may result in disciplinary action and/or criminal prosecution.

II. POLICY

The EHPD’s public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the investigation of complaints is crucial to demonstrate and protect the EHPD’s integrity. This Department shall accept and fairly and impartially investigate all complaints or allegations of misconduct to determine their validity, and to timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. It is EHPD’s policy to investigate every instance of alleged misconduct against a member of this

Department, whether criminal or administrative in nature, in accordance with federal or local laws, and EHPD policies and procedures.

The Office of the Chief shall be responsible for the investigation of all allegations of serious misconduct and serious use of force incidents pursuant to EHPD policies and procedures. The Chief will have the authority to utilize resources outside the department to conduct investigations including retaining outside investigators.

III. DEFINITIONS

Complaint: Any allegation by an individual regarding EHPD services, policies, practices or procedures, claims for damages which allege officer misconduct, or officer misconduct; and any allegation of possible misconduct made by an EHPD officer.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the EHPD's policies, procedures, or action.

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations.

Class 1 Complaints: Serious allegations, including alleged criminal conduct that has the potential to damage the reputation of the Department or its personnel.

Class 2 Complaints: Less serious allegations that warrant an investigation, but do not rise to the level of a more serious complaint.

Class 3 Complaints: Minor complaints by a citizen desiring to make an informal complaint against an employee, generally involving an employee's conduct and/or behavior.

Class 4 Complaints: Minor Service complaints by a citizen who contacts the Department questioning, or informally complaining, about a policy, procedure, or tactic used by the Department or an employee.

Critical Firearm Discharge: A discharge of a firearm by an EHPD officer, but does not include range and training discharges and discharges at animals.

Counseling: Information relayed to an employee by a ranking officer or training officer, in which the information relayed points out strengths, weaknesses, or training needs, or offers the employee the opportunity to improve performance. Counseling is not disciplinary by itself, but may progressively lead to discipline.

Discipline: A written reprimand, suspension, demotion, or dismissal.

Employee: Any person employed by the EHPD, whether sworn or non-sworn, part-time or full-time.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the EHPD. Such complaints may be initiated by other EHPD employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs Division (IAD): The designated Bureau with primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct.

Misconduct: Any conduct by an EHPD employee that violates EHPD policy or the law

Officers: Any law enforcement officer employed by or assigned to the EHPD, whether on or off duty, including supervisors and members authorized to carry department issued weapons, and members of the Police Auxiliary Force.

Preponderance of the Evidence Standard: The quantum of evidence that constitutes a preponderance cannot be reduced to a simple formula. A preponderance of evidence has been described as just enough evidence, no matter how slight, to make it more likely than not that the allegation sought to be proved is true or false.

Serious Misconduct: Suspected criminal misconduct and the specific forms of misconduct identified below in Section IV.D. Such conduct shall be investigated by the IAD unit and the Criminal Investigation Division of the Attorney General's Office.

Serious Use of Force: Any action by an officer that involves: 1) the use of deadly force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; and 4) the use of chemical spray or Electronic Control Weapon against a restrained person.

Summary Action: Disciplinary action (oral reprimand or counseling documented in writing) taken by an officer's supervisor or commander for minor violations of department rules, policies, or procedures as defined by this department. Summary actions are the lowest level of disciplinary action generally handled by first line supervisors.

Supervisor: Includes those holding the rank of Sergeant, or anyone acting in those capacities, any other sworn or non-sworn manager authorized to carry department issued weapon(s), or any other individual authorized by the Chief.

Use of Force Incidents Indicating Potential Criminal Liability: Includes, but is not limited to, all strikes, blow, kicks, or other similar uses of force against a handcuffed subject, and all accusations or complaints of excessive force.

IV. PROCEDURES

A. Investigations of Citizens Complaints

1. General
 - a. All investigations shall, to the extent reasonably possible, determine whether the officer's conduct was justified. No investigation being conducted by Office of the Chief shall be closed simply because a subject or complainant is unavailable, unwilling, or unable to cooperate, including a refusal to provide medical records or proof of injury;
 - b. All investigations shall be conducted by a supervisor who did not authorize, witness, or participate in the incident, and all investigations shall contain:
 1. Documentation of the name and badge number of all officers involved in, or on the scene during, the incident, and a canvass of the scene to identify civilian witnesses;
 2. Thorough and complete interviews of all witnesses, subject to the EHPD's Garrity Protocol, and an effort to resolve material inconsistencies between witness statements;
 3. Photographs of the subject(s) and officer(s) injuries or alleged injuries; and
 4. Documentation of any medical care provided.

B. Role of Internal Affairs Division

1. Upon receipt of the Complaint Form, the complaint will be reviewed and classified in its proper category for assignment. Categories are identified in section C below.
2. The investigating Sergeant or his designee shall evaluate complaints of criminal conduct made against EHPD employees, and report findings to the Chief. The Chief will authorize transfer of the criminal allegation investigation to the States Attorney's Office. A parallel

INVESTIGATION OF MISCONDUCT AND CITIZEN COMPLAINTS

Internal Affairs Investigation will be conducted to ensure no administrative or departmental violations have occurred, but may be delayed until the resolution of the criminal investigation.

3. Upon completion of the Internal Affairs Investigation Report, the report and all supporting documents shall be forwarded to the Chief of Police, or designee, for review. The Chief may accept the report as completed or return the report for further investigation.
4. IA investigating Supervisor shall have the following additional responsibilities:
 - a. Maintain a complaint log both documentary and electronically
 - b. Maintain a central file for complaints in a secured area, and in conformity with records retention requirements of local law;
 - c. Conduct a regular audit of complaints to ascertain the need for changes in training or policy;
 - d. Maintain statistical and related information to identify trends involving all complaints of use of force, officer misconduct, and/or abuse of authority;
 - e. Track complaints against individual employees to assist in employee risk analysis and the Early Intervention Program (EIP);
 - f. Provide the Police Chief, managers, and/or supervisors with quarterly summaries of complaints and final dispositions against Officers; and

C. Complaint Categories

The following chart depicts the types of complaints, which are defined by the seriousness of the allegation, along with whom the complaint is generally investigated and reviewed by:

INVESTIGATION OF MISCONDUCT AND CITIZEN COMPLAINTS

| TYPES | DESCRIPTION | EXAMPLES | GENERALLY HANDLED BY |
|----------------|--|---|---|
| CLASS 1 | Allegations that have the potential to damage the reputation of the Department or its personnel, and generally include, but are not limited to, allegations of serious misconduct, serious violations of Standards of Conduct and other written directives, or criminal conduct. | <ul style="list-style-type: none"> • Excessive and/or improper use of force • Brutality • False arrest • Unlawful search and/or seizure • Corruption • Dishonesty and untruthfulness • Gross Insubordination • Violation of civil rights • Bias-based profiling • Sexual harassment • Workplace violence • Violation of criminal statutes | <p>THE OFFICE OF THE CHIEF</p> <p>Formal and Documented with Written Statements and Tape/Video Recorded Interviews</p> <p>CRIMINAL INVESTIGATION DIVISION AND/OR OUTSIDE AGENCY INCLUDING PRIVATE INVESTIGATOR</p> |
| CLASS 2 | Allegations that generally include, but are not limited to, allegations of a non-serious nature and violations of Standards of Conduct and other written directives of a non-serious nature. | <ul style="list-style-type: none"> • Violation of policies, procedures or rules, other than those which constitute a Class I Allegation • Inappropriate conduct and/or behavior of a less-serious nature, such as rudeness, discourtesy, and offensive language • Violation of VI personnel rules | <p>OFFICE OF THE CHIEF AND/OR INTERNAL AFFAIRS UNIT</p> <p>Formal and Documented with Written Statements</p> |
| CLASS 3 | Minor complaints by a citizen desiring to make an informal complaint against an employee, generally involving an employee's conduct and/or behavior. | When a citizen complains about the behavior of an employee, such as rudeness or demeanor, but does not wish to file an official formal complaint. | <p>FIRST-LINE SUPERVISOR</p> <p>Informal and Documented as Informational Purposes Only</p> |
| CLASS 4 | Minor complaints by a citizen who contacts the Department questioning or informally complaining about a policy, procedure, or tactic used by the Department or an employee. | When a citizen questions or complains about the <i>procedures or tactics</i> used by the Department or employee, such as on-scene command presence, or why handcuffs were used when detaining a subject, but does not wish to file an official formal complaint. | <p>FIRST-LINE SUPERVISOR</p> <p>Informal and Documented as Informational Purposes Only</p> |

D. Serious Misconduct

Serious Misconduct is understood by the EHPD to mean suspected criminal misconduct and the following misconduct:

1. All civil suits alleging any misconduct by an Officer while acting in an official capacity;
2. All civil suits against an Officer for off-duty conduct (while not acting in an official capacity) alleging physical violence, threats of physical violence, racial bias, dishonesty, or fraud;
3. All criminal arrests or filing of criminal charges against an Officer;
4. All allegations of unlawful discrimination (e.g., on the basis of race, ethnicity, gender, religion, national origin, sexual orientation, or disability), including improper ethnic remarks and gender bias, but excluding employment discrimination;
5. All allegations of an unlawful search and seizure;
6. All allegations of false arrests or filing of false charges;
7. Any act of retaliation or retribution against an Officer or person;
8. Any act of retaliation or retribution against a person for filing a complaint against a member;
9. All allegations of excessive use of force or improper threat of force (including strikes, blows, kicks, or other similar uses of force against a compliant subject or administered with a punitive purpose);
10. Any failure to complete use of force reports required by EHPD policies and procedures;
11. The providing of false or incomplete information during the course of a EHPD investigation, or in any report, log, or similar document;
12. All incidents in which: (1) a person is charged by an Officer with assault on a police Officer or resisting arrest or disorderly conduct, and (2) the States Attorney's Office (SA) notifies EHPD that it is dismissing the charge based upon Officer credibility, or a judge dismissed the charge based upon Officer credibility; or

13. All incidents in which EHPD has received written notification from the AG in a criminal case that there has been: (1) an order suppressing evidence because of any constitutional violation involving potential misconduct by a EHPD Officer, or (2) any other judicial finding of Officer misconduct made in the course of a judicial proceeding, or any request by a federal judge, local judge, or magistrate that a misconduct investigation be initiated pursuant to some information developed during a judicial proceeding before a judge or magistrate. EHPD shall request that all such entities provide them with written notification whenever it has been determined that any of the above has occurred.

E. Investigation of Public Complaints: Supervisor's Role/Responsibility

1. The supervisor assigned to investigate a citizen complaint shall ensure the following protocols are applied in all investigations:
 - a. Every complaint must be investigated and evaluated based on the Preponderance of Evidence standard.
 - b. Any supervisor who is the subject of a complaint, or who authorized the conduct that led to the complaint, is explicitly prohibited from investigating said incident.
 - c. Supervisors shall ensure that all officers who use force, or are involved in the use of force, shall submit a written statement regarding the incident, using the Reporting Use of Force form. The investigating supervisor will obtain statements from officers who witnessed a use of force.
 - d. During the investigation of a citizen complaint, all relevant evidence including circumstantial, direct, and physical will be considered, and credibility determinations made, if feasible. Officer's statements will not be given any automatic preference over a Citizen's statement, nor will a witness' statement be disregarded on account that the witness is connected to the complainant. Every effort will be made to resolve material inconsistencies or discrepancies between witness statements and other collected evidence.
 - e. The Supervisor will not close an investigation because the complaint is withdrawn, the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional medical statements or written statements.

INVESTIGATION OF MISCONDUCT AND
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- f. The Supervisor will consider whether any rule, policy, or procedure of the EHPD was violated.
 - g. Conduct an investigation in accordance with the procedures outlined in this policy.
2. At the conclusion of the investigation the supervisor shall prepare an investigative report in accordance with the requirements outlined in this policy.

F. Employee Responsibilities to Report Misconduct

1. An employee must report any instances of employee misconduct as soon as practicable following receipt of information regarding the misconduct.
2. In applicable circumstances, employees are to prevent the deterioration or destruction of any evidence that would support or refute the allegation of misconduct.

G. Confidentiality of Complaints

1. All employees who have knowledge that a Request for Discipline has been submitted, or will likely occur, are prohibited from discussing material issues related to the matter.
2. Exemptions include: employees subject to the investigation when consulting with Union or Legal representation, in accordance with supervisory directives, testifying at an official hearing regarding the matter, or otherwise authorized by law, policy, or regulation.

H. Time Limits on Completing Internal Affairs Investigations

1. Generally, the Department should strive to complete internal investigations as soon as practical. In cases of formal investigations, it may be possible to complete such an investigation within a few days or a calendar week. Once assigned, administrative investigations by a supervisor should be completed and forwarded to the Chief of Police for review within ten (10) days.
2. Administrative investigations conducted by the Sergeant shall be a priority for the Department, and should be expeditiously investigated and reviewed. These investigations should be completed and forwarded to the Chief of Police for review within thirty (30) days. The Chief of Police may

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waive the 30-day requirement for complex investigations and investigations involving extenuating circumstances.

3. Time limits governing disciplinary action which may arise from internal investigations for police officers and civilian employees shall comply with any applicable State or Federal statutes, East Hampton Town Ordinances, and provisions of the respective labor agreements for sworn and non-sworn employees.
4. Supervisors shall be held accountable for the quality of their investigations. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.

I. Notifying Complainant Regarding Status of Complaint Investigation

1. Upon receipt of a complaint, the investigating supervisor shall provide a copy of the Complaint Form to the complainant, acknowledging its receipt. For formal investigations, the investigating officer will also send a letter to the complainant (if known) under the signature of the Chief of Police, acknowledging its receipt. In some cases, this may be accomplished in person and/or via telephone. A written letter, however, should still be sent to the complainant for additional verification of receipt of the complaint.
2. The assigned investigator of an internal affairs case is responsible for providing periodic status reports to complainants on all pending internal investigations. Generally, internal investigators should maintain periodic contact with their complainants and provide them status reports on the investigation, as far as practical. Such contact can be accomplished by telephone or email, in lieu of a written letter.
3. For formal or informal investigations, the reporting party shall be notified as indicated below, by the Chief of Police or designee, informing him/her of the results of the Department's investigation. Such notification should normally occur within ten (10) days after the conclusion of the investigation and the determination by the Chief of Police of the "Finding of Facts."

J. Investigative Interviews and Procedures of Officers

1. Prior to being interviewed, the Officer against whom a complaint has been made shall be advised of the nature of the complaint.

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2. All interviews will be conducted while the Officer is on duty, unless the seriousness of the investigation or other justifiable reason is such that an immediate interview is required. (*refer to applicable CBA*)
3. During interviews there will be designated one primary interviewer.
4. The complete interview shall be electronically recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break, and the time at which the interview resumed.
5. The Officer shall be provided with the name, rank, and command of all persons present during the questioning.
6. Subject to the approval of the Chief of Police, Officers will be administered the applicable Warnings prior to interview:
 - a. Garrity Warnings: For compelled statements if the inquiry is administrative.
 - b. Miranda Warnings: Where the inquiry is criminal and the officer is under arrest or in custody.
7. Officers may have Union representation during the Internal Interview.
 - a. Officers, under internal (administrative) review, may have present a union representative with them during any administrative internal investigative interrogation so long as the representative is not involved in any manner (*i.e. a witness or subject of the complaint*) with the incident under investigation, or a conflict of interest does not exist. (*Note: refer to applicable CBA*)
 - b. The representative's role is primarily that of an observer and shall not be permitted to interrupt the interview except for the purpose of advising and/or conferring with the officer who is concerned about a contractual right.
 - c. In criminal investigations the employee has the right to talk to legal counsel or to have one present during questioning.

8. Examinations and Searches

- a. The department may direct that the Officer undergo an intoximeter, blood, urine, psychological, polygraph, medical examination, or any other exam not prohibited by law, if it is believed that such an examination is pertinent to the investigation, so long as they do not violate law, or any CBA.
- b. An on-duty supervisor may direct an Officer to submit to a breath, blood, or urine test when there is reasonable suspicion that alcohol and/or drug usage is suspected as the factor directly related to allegations of misconduct, and is required to submit to such tests as the result of either being involved in a traffic accident with a department vehicle or involved in a discharge of a firearm on or off-duty.
- c. An Officer may be required to participate in a lineup if it is used solely for administrative purposes. This does not in any way affect the requirements of a legal order to participate.
- d. Desks, lockers, storage space, rooms, offices, equipment, information systems, work areas, and vehicles are the property of the Town of East Hampton and are subject to inspection. They may also be searched to retrieve town owned property, or to discover evidence of work related misconduct, if there is reason to suspect (*reasonable suspicion*) such evidence is contained therein.
- e. Private property can be stored in areas mentioned above; however, employees will not expect privacy in those areas. Only those employees who are acting in their official capacity may be authorized to search or inspect areas assigned to other employees.

K. Disposition and Adjudication of Complaints

1. All investigations into citizen complaint allegations of misconduct require review and disposition by the officer's chain of command.
2. All citizen complaint allegations of officer misconduct will be fully investigated and documented.
3. All summary actions shall be documented and copies and disposition(s) provided to the subject officer. Copies may, where appropriate, be incorporated in the employee's performance evaluation.

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4. Once the investigation is deemed complete, the primary investigative authority for the investigation (*i.e.*, *subject Officer's supervisor or Sergeant*) shall review the complaint report and investigative findings. This authority will compile a report of findings and provide a disposition for each allegation as follows:
 - a. **Sustained:** where the investigation determines, by preponderance of the evidence, that the person's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper;
 - b. **Not sustained:** where the investigation determines, by preponderance of the evidence, that there is insufficient fact(s) to decide whether the alleged misconduct occurred;
 - c. **Exonerated:** where the investigation determines, by preponderance of the evidence, that the alleged conduct did occur but did not violate EHPD policies, procedures, or training; or
 - d. **Unfounded:** where the investigation determines, by preponderance of the evidence, that there are no facts to support that the incident complained of actually occurred.
5. Investigative findings shall also include whether: (i) the Police action complied with policy, training, and legal standards regardless of whether the complainant suffered harm; (ii) the incident involved misconduct by any officer; (iii) the use of different tactics should or could have been employed; (iv) the incident indicates a need for additional training, counsel, or other non-disciplinary corrective measures; and (v) the incident suggests that the EHPD should revise its policies, training, and tactics.
6. Disciplinary action shall be administered in accordance with Department policy and the applicable CBA.
7. Following final disposition of the complaint, a letter shall be sent to the complainant, addressed from the Chief or his/her designee, explaining the final disposition.
8. Whenever reasonably possible, the investigation of complaints should be completed within ninety (90) days from the time the department knew, or should have known, about the alleged violation; unless a stay is granted by the Chief of Police, or another time frame is required by departmental policy, law, or applicable CBA.

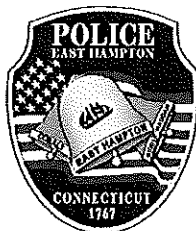
9. Final Disciplinary Authority is vested in the Police Chief.
10. In cases where there exists probable cause to believe that a fraudulent complaint was logged (*officially documented*) in violation of Connecticut law, the case may be referred to the State Attorney's Office for a prosecutorial determination.

L. IAD Records and Confidentiality

1. IAD SHALL be informed of all final disciplinary decisions.
2. IAD SHALL forward a copy of all final disciplinary decisions to the department's personnel authority.
3. IAD case files and information shall be maintained separately from personnel records.
4. IAD information is considered confidential and will be retained under secured conditions within the Chiefs Office.
 - a. IAD case files and personnel dispositions may not be released to any source without prior approval of the Chief, unless otherwise provided by law.
 - b. Case investigation files shall be retained for a period of time as defined by law, CBA, or the Chief.

V. TRAINING


The Department will continue to provide training to all officers on the citizen complaint process and the appropriate responses in handling citizen complaints, as developed and administered by the Training Sergeant.



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 4.1

DISCIPLINARY PROCEDURES

| | | |
|---|---------------------------------|------------------------------------|
| SUBJECT: CITIZEN COMPLAINT PROCESS | | |
| Issue Date: 5/2/2014 | Effective Date: 4/8/2014 | Distribution: All Personnel |
| Amends/Rescinds GO: | | Review Date: |
| Per Order of:  Sean Cox, Chief of Police | | |
| <i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i> | | |

I. PURPOSE

The purpose of this policy is to provide all East Hampton Police Department ("EHPD" or "Department") employees, and the public, the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints.

II. POLICY

The EHPD's public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate and protect EHPD's integrity. This department shall accept, and fairly and impartially investigate, all complaints or allegations of misconduct to determine their validity. The Department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the EHPD and/or employee conduct shall be accepted and documented regardless of whether the complaint filed is in writing, verbally in person, by mail, by telephone (or TDD), by facsimile or electronically, or anonymously.

III. DEFINITIONS

Complaint: An allegation by a member of the public regarding EHPD services, policy or procedure, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct made by a EHPD officer.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the EHPD's policies, procedures, or actions.

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations.

Critical Firearm Discharge: A discharge of a firearm by a EHPD officer, but does not include range and training discharges and discharges at animals.

Discipline: A written reprimand, suspension, demotion, or dismissal.

Officers: Any law enforcement officer employed by, or assigned to, the EHPD, whether on or off-duty, including supervisors and members authorized to carry department issued weapons.

Employee: Any person employed by the East Hampton Police Department, whether sworn or non-sworn.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the EHPD. Such complaints may be initiated by other EHPD employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs Division (IAD): The designated Division with primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct.

Misconduct: Any conduct by an EHPD employee that violates EHPD policy or the law.

Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, taken by an Officer's supervisor or commander for minor violations of department rules, policies, or procedures as defined by EHPD. Summary actions are the lowest level of disciplinary action.

Supervisor: Includes those holding the rank of Sergeant or Chief.

IV. PROCEDURES**A. Internal Affairs**

The Office of the Chief has primary and oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, The Chief of Police will assign the appropriate IA investigator to investigate the complaint, or refer it to the appropriate unit or designated Supervisor for investigation through the appropriate chain of command. IA Investigator is responsible for the following:

1. Investigating and recommending the prosecution of criminal misconduct on the part of EHPD member;
2. Preparing suggested revisions of EHPD Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;
3. Gathering evidence and recommending the prosecution of cases in which criminals have attempted to bribe EHPD members and/or other public officials;
4. Recommending prosecution of those who falsely report that a EHPD member has committed a crime;

B. Public Information and Access

1. The EHPD Chief of Police will:
 - a. Ensure informational materials are made available to the public through police personnel, police department, internet, libraries, community groups/community centers, and at designated public facilities.
 - b. Ensure placards describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted at the East Hampton Police Department.
2. Officers will carry the complaint/compliment brochure provided by the EHPD which explains the complaint process in English, and Spanish in their vehicles at all times while on duty. Officers will inform citizens of their right to make a complaint against an Officer if the citizen is displeased with, or objects to, an Officer's conduct or performance of his/her duties.

3. Commendation forms will also be provided to citizens who wish to document extraordinary performance by Officers. The completed forms may be faxed, emailed, hand-delivered, or deposited in the provided drop-box at any department facility.

C. Acceptance/ Filing of Complaints

1. General

- a. The EHPD encourages citizens to bring forward legitimate complaints regarding possible misconduct by members. EHPD Officers will not discourage any person from making a complaint.
- b. All officers must courteously inform an individual of his or her right to make a complaint if the individual objects to a member's conduct. This includes any complaints made by an individual who is in EHPD custody and/or a holding cell.
- c. Officers have a duty to assist any person who wishes to file a citizen's complaint by providing them with an informational brochure and a citizen contact form, or by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint.
- d. No officer shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint;
- e. Officers who withhold information, fail to cooperate with departmental investigations, or who fail to report the misconduct of members to a supervisor shall be subject to disciplinary action.

D. Complaint Intake Procedure

1. All Citizens will have the right to lodge a complaint against any employees of the East Hampton Police Department:
 - a. Complaints may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
 - b. Anonymous and third party complaints will be accepted.

- c. Employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to Citizens wishing to file complaints or inquire about the complaint process.
2. Employees will assist those who express the desire to lodge complaints against any Employee. This includes, but is not limited to:
 - a. calling a Supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the supervisor of the Officer against whom the complaint is made) ;
 - b. explaining the department's complaint procedures;
 - c. providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained;
3. Officers who are approached by a person seeking to make a complaint will when possible call for a supervisor, obtain a brief description of the allegation, record contact information (name, address, phone number) from the complainant, obtain a CCN number, and provide the CCN number to the complainant.
4. If a supervisor is not readily available, the officer will inform the complainant and advise them that they will be contacted by a supervisor or IAD Supervisor by the next business day.
5. Every effort shall be made by all members to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.
6. Headquarters Requirements:
 - a. When Desk Officers/ staff are approached by a person seeking to make a complaint they will immediately notify an on-duty Supervisor, who will then respond to headquarters to conduct a preliminary inquiry of the complaint.
 - b. If a supervisor cannot respond to headquarters within a reasonable period, the Desk Officer/ staff will provide the CITIZEN COMPLAINT FORM to the person wishing to file a complaint.
 - c. The person taking the complaint may describe facts that bear upon a complainant's demeanor and physical condition, but will not include his or

her opinion regarding the mental competency or veracity of the complainant.

- d. The person taking the complaint will obtain a Complaint Control Number (CCN) from dispatch. The dispatch operator will provide the Officer with the control number only after receiving the required information (i.e. nature of complaint, name of complainant (optional), name of subject officer if known, location, time and date of incident, etc.)
- e. The person taking the complaint will issue the complainant a copy of the Citizen Complaint Form with the CCN, which they will be allowed to review prior to leaving the station.
- f. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.

E. Complaints Through Alternative Methods

1. If a complaint is received at the office of the Chief of Police the investigating Sergeant will be immediately notified. The investigating Sergeant will attempt to contact the complainant as soon as possible, but no more that 24 hours after being notified, to complete the CITIZEN COMPLAINT FORM and initiate the investigation.
2. Shift Supervisors will ensure that brochures, compliment, and complaint forms are always available at their assigned command, conspicuously displayed and accessible to the public.
3. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, or by any other means will be processed as follows:
 - a. The IA investigating officer will obtain a CCN, following the same procedures described in this policy for obtaining a control number;
 - b. Within three (3) business days of receipt of the complaint, IA investigating officer will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the CCN;
 - c. The Chief of Police will determine, based on the complaint, whether the matter will be investigated, or whether the matter will be referred to the subject officer's supervisor through the chain of command for further investigation; and

- d. All complaints shall be investigated in accordance with the policies and procedures of the EHPD. (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigations Policies.)



January 8, 2020

To: David Cox, Town Manager
From: Dennis Woessner, Chief of Police
Subject: General Order approval

Attached to this memorandum is a General Order which I am submitting for approval:

General Order 3.6, **Pursuit Policy**, is an existing General Order which is required to be amended to be in compliance with the Police Officer Standards and Training Council (POSTC) Model Pursuit Policy. This model policy was approved by POSTC on December 6, 2019 and all departments are required to adopt this policy as a minimum standard as a result of Public Act 19-90. Agencies can make their policy more restrictive, which we have done. We do not allow certain forced stop procedures to take place unless certain criteria are met. I have attached a copy of our current policy, the state's model policy and our draft policy for your review. Any wording in red on the draft policy is where we are deviating from the state's model policy.






EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 3.6

RULES OF CONDUCT

DRAFT

| | | |
|---|----------------------------|------------------------------------|
| SUBJECT: PURSUIT POLICY | | |
| Issue Date: TBD | Effective Date: TBD | Distribution: All Personnel |
| Amends/Rescinds GO: 3/27/19 | | Review Date: |
| Per Order of: | | |
|  Dennis Woessner, Chief of Police | | |
| <i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i> | | |

POSTC Model Policy
Police Motor Vehicle Pursuit Policy

Sec. 1. Purpose

On November 14, 2019, the Police Officer Standards and Training Council (POSTC) adopted a Model Pursuit Policy. This policy was updated in accordance with Public Act 19-90, Section 5, which updates Connecticut General Statute 14-283a "Adoption of state-wide policy for pursuits by police officers. Reports." The purpose of the policy was to establish a Uniform Statewide Pursuit Policy in accordance with the provisions of 14-283a-1 to 14-283a-4, inclusive and section 14-283a of the Connecticut General Statutes. The policy shall serve as the minimum standard for all police pursuits in Connecticut, involving POSTC Certified Police Officers. Additional requirements adopted by an individual police agency shall not conflict with any provision of this policy.

The East Hampton Police Department is adopting the POSTC Model Pursuit Policy and is adding certain sections that deal specifically with the officer and supervisory responsibilities, as it applies to reporting requirements for pursuits.

Sec. 2. Policy

Pursuits of fleeing motor vehicles may present a danger to the lives of the public, officers, and those vehicle occupants involved in the pursuit. Each police agency shall be responsible for assisting police officers in the safe performance of their duties.

Sec. 3. Definitions

1. "Pursuit" means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.
2. "Authorized emergency vehicle" means a police vehicle equipped with operable emergency equipment, including audible siren and red or blue flashing lights, while such vehicle is being operated by a police officer.
3. "Primary unit" means the police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.
4. "Secondary unit" means any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
5. "Supervisor" means a person designated by the police agency to have supervisory control over the operation of the agency's vehicles during a pursuit.
6. "Communications" means the central dispatch center or personnel staffing the central dispatch center of the police agency in the jurisdiction where the pursuit is occurring.
7. "Uniform Statewide Pursuit Policy, "known as "the policy" or "this policy," means Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies.
8. "Police agency" means the Division of State Police within the Department of Public Safety, including local police officers serving in municipalities with a Resident State Trooper, or an organized municipal police department.
9. "Crime of Violence" -An offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of, injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.

Sec. 4. Procedures**A. Initiation of Pursuit**

1. *A police officer may only engage another vehicle in a pursuit if the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur. The officers must be able to articulate the exigent need to apprehend the driver or occupant because of the potential harm or risk to the public.*

2. *Offenses that constitute infractions, property crimes, (to include stolen motor vehicles), non-violent misdemeanors and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances.*

3. *The officers involved in the pursuit and their supervisors shall continuously reassess the factors listed above to determine whether the pursuit shall continue or be terminated.*

4. *A pursuit shall not be undertaken, even if allowable by other provisions of this policy, unless and until the officer, based upon the information available to him/her at the time, shall make an objectively reasonable determination that the threat of imminent death or serious physical injury to the officer, the public or both, created by the pursuit is less than the immediate or potential danger to the public, should the suspect(s) or occupant(s) remain at large. A decision to engage in a pursuit shall be based upon the following:*

- a. The underlying crime for which the operator or occupants are suspected of committing;*
- b. Whether the identity of the operator or occupant is known and apprehension by other means is possible;*
- c. That the immediate danger to the public and the police officer created by the pursuit is less than the immediate danger to the public should the occupants of the pursued vehicle remain at large;*
- d. Location, speed, direction of other traffic, population density, type of vehicle being pursued and operators driving behaviors;*
- e. Environmental factors such as, weather, time of the day, visibility;*
- f. Relative capability of the police vehicle(s) and the vehicle being pursued;*
- g. Road conditions, including surface type, wet, icy, dry roadway. Road typography, traffic controls;*
- h. The presence of other people in the police vehicle;*
- i. Population density, vehicular and pedestrian traffic.*

Sec. 5. Pursuit Operations

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies, and section 14-283a of the Connecticut General Statutes.
2. Upon engaging in or entering into a pursuit, the pursuing vehicle shall activate appropriate warning equipment. An audible warning device shall be used during all such pursuits.
3. Upon engaging in a pursuit, the police officer shall immediately notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The police officers shall keep communications updated on the pursuit. Communications personnel shall immediately notify any available supervisor of the agency or agencies involved in such pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other police officers of the involved police agency or agencies, and adjacent police agencies in whose direction the pursuit is proceeding.

4. When engaged in a pursuit, police officers shall drive with due regard for the safety of persons and property.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than three police vehicles, one of which shall be designated as the primary unit. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
6. The primary unit involved in the pursuit shall become secondary when the fleeing vehicle comes under police air surveillance or when another unit has been assigned primary responsibility.

Sec. 6. Supervisory Responsibilities

1. When made aware of a pursuit, the appropriate supervisor shall evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit, and shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used. Such supervisor shall also have the authority to terminate the pursuit. When the agency supervisor communicates a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit.
2. Where possible, a supervisory police officer shall respond to the location where a vehicle has been stopped following a pursuit.
3. *If the supervisor is not a sergeant, or higher rank, he will notify a sergeant of the pursuit as soon as practical.*

Sec. 7. Pursuit Tactics

1. Police officers not engaged in the pursuit as the primary or secondary unit shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall become the secondary unit when a marked unit becomes available as the primary unit, and such unit shall disengage from the pursuit when another marked unit becomes available as the secondary unit.
3. Motorcycles may be used for a pursuit in exigent circumstances including, but not limited to, situations where a felony has been committed, deadly force has been used by a vehicle occupant, or the pursuit is necessary to preserve a life, provided that weather and related conditions allow such pursuit to continue. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.
4. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.
5. All intervention techniques short of deadly force shall be used when it is possible to do so in safety and when the police officers utilizing them have received appropriate training in their use. Such techniques shall include, but not be limited to, boxing in the vehicle or using controlled termination *devices such as stop sticks*.
6. Roadblocks are prohibited unless specifically authorized by the supervisor in charge after consideration of the necessity of applying deadly physical force to end the pursuit.

Sec. 8. Use of Firearms during a Pursuit

1. *Officers shall not discharge their firearms at a moving vehicle or its occupants unless, the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.*

a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.

b. No officer should intentionally position his or her body into the path of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit, that employs such police officer and in accordance with an established written policy. Whenever possible, the involved officer should make an effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

Sec. 9. Termination of the Pursuit

1. The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever he or she reasonably believes that the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary unit at any time.
3. A supervisor may order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.
4. A pursuit may be terminated if the identity of the occupants has been determined, immediate apprehension is not necessary to protect the public or police officers, and apprehension at a later time is feasible.
5. A pursuit may be terminated when the police officers are prevented from communicating with their supervisors, communications or other police officers.
6. *A pursuit shall be terminated if the police officer knows or is reasonably certain, that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.*

Sec. 10. Inter-Jurisdictional Pursuits

1. The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility or cross the state line. Municipal police agencies and the State Police shall notify each other whenever entering the other's area of law enforcement responsibility.
2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.

3. In all cases where a pursuit enters an area of law enforcement responsibility of a police agency other than that of the initiating police agency, the police agency in pursuit shall be responsible for immediately notifying the police agency responsible for such area. The desk officer or duty supervisor for the police agency responsible for such area shall determine if assistance is necessary and police officers from police agencies other than the initiating agency shall not join the outside pursuit unless:
 - a. Directed by such duty supervisor or desk officer; or
 - b. The involved pursuit unit is unable to request assistance; or
 - c. The situation demands immediate assistance. The supervisors of the respective police agencies involved in the pursuit shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.
4. In all cases where the pursuit enters a municipality without a regularly organized police department, notification shall be made to the State Police troop responsible for that area. Such troop shall maintain radio communications with all local police officers serving in any such municipality.
5. *Agencies pursuing a vehicle into another jurisdiction must notify that jurisdiction as soon as practical, provided that agency with all available information pertinent to the pursuit, including but not limited to:*
 1. *The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed*
 2. *Location, speed, and direction of travel*
 3. *Vehicle and occupant(s) description*
 4. *The number of vehicles and agencies involved in the pursuit*
 5. *Whether assistance is requested/needed or not*
 6. *Other available information as to the conditions of the pursuit*

The pursuing agency will notify the other jurisdiction whether or not the pursuit has been terminated or is leaving their jurisdiction.

Any agency involved in the pursuit may, at its discretion, choose to terminate its involvement in a pursuit at any time. The supervisor and the police officers involved in the pursuit shall make their own determination whether their officers shall enter, continue or terminate the pursuit within their jurisdiction.

Sec. 11. Post-Pursuit Reporting

1. Whenever a police officer engages in a pursuit, the police officer shall file a written report on the appropriate form required by his or her agency describing the circumstances. This report shall be reviewed by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies. *Each officer will complete the POSTC Pursuit Tracking Form (attached). Section 18 will be left blank and section 20 is for supervisory approval.*
2. Each police agency shall periodically analyze its police pursuit activity and identify any additions, deletions or modifications warranted in agency pursuit procedures.
3. *Post-Pursuit reports shall be completed for each police pursuit in accordance with department policy and training. Supervisors will ensure the POSTC Pursuit Tracking Form is completed, including section 20, and forwarded to the Chief of Police for his review and submission per POSTC General Notice 18-06.*
4. *In accordance with Section 14-283a-1 to 14-283a-4, inclusive and section 14-283a of the Connecticut General Statutes Not later than January 31, 2020, and annually thereafter, each Chief of Police and the Commissioner of the Department of Emergency Services and Public Protection shall submit an annual report to the Police Officers Standards and Training Council regarding pursuits by police officers, on the standardized form developed and promulgated by POSTC*
5. *Each police agency involved in the pursuit must report their involvement to POSTC on the designated reporting form. Departments shall indicate on the form whether they were the initiating agency or a secondary unit.*

Sec. 12 Other Pursuit Considerations

1. *High speed operation - A police officer in pursuit may operate their vehicle at a speed that the condition of the vehicle, existing road, traffic, environmental conditions, and the officer's driving abilities will safely permit.*
2. *Number of involved pursuit vehicles - No more than three police vehicles shall be actively involved in a pursuit, unless directed otherwise by a commander, superior officer, or supervisor, however, all police officers should be alert to the progress and location of any nearby and ongoing pursuit.*
3. *Spacing of Vehicles - All police units in active pursuit shall space themselves at reasonable and safe distances to permit adequate braking and reaction times if any preceding vehicle stops, slows, turns, becomes disabled or collides with any vehicle or object.*
4. *Police officers shall operate available emergency warning lights and their vehicle siren to alert other motorists to unexpected pursuit vehicle maneuvers.*

5. *A police pursuit vehicle entering any intersection against traffic control signals or signs shall slow to safe speeds and be prepared to slow or stop to avoid any collision.*

Sec. 13. Forced Stop Procedures (Alternative Measures)

Due to the inherent risks associated with using forced stop procedures, to include but not limited to PIT maneuvers, boxing-in, intentional collision, roadblocks and tire deflation devices, it will be the policy of the of the East Hampton Police Department to not use these techniques except under the following circumstances:

1. *The Forced Stop procedure used is outlined in a separate policy*
or
2. *When deadly force is authorized*
or
3. *When a Forced Stop procedure is necessary to protect another person from the potential of serious physical injury or death*
And
4. *When the officer has received authorization from a supervisor, absent exigent circumstances*

Sec. 14. Vehicle Pursuit Training

Police officers who drive police vehicles shall be given initial and biennial update training in the agency's pursuit policy and in safe driving tactics. The provisions of Sections 14- 283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies shall be a part of the curriculum for all police basic recruit-training and re-certification programs in Connecticut.

1. *Pursuit Training Programs shall consist of:*
 - a. *Knowledge of applicable statutes*
 - b. *Court decisions impacting police pursuits*
 - c. *Department policy*
 - d. *Supervisory and individual responsibilities in a police pursuit*
 - e. *Reporting requirements*
 - f. *Inter-jurisdictional considerations*
 - g. *Pursuit driving skills and techniques.*



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Police Officer Standards and Training Council
Connecticut Police Academy

GENERAL NOTICE 19-04

To: Chief Law Enforcement Officers, Training Officers, Protective Services, and Resident Troopers

From: Karen Boisvert
Police Academy Administrator

Date: December 6, 2019

Subject: Council Action – Adoption of the Updated Model Pursuit Policy

At its meeting on November 14, 2019, the Police Officer Standards and Training Council adopted the attached updated Model Pursuit Policy. This policy has been updated in accordance with Public Act 19-90, Section 5, which updates Connecticut General Statute 14-283a "*Adoption of state-wide policy for pursuits by police officers. Reports.*" The policy is in effect as of the date of this notice and supersedes any and all previous versions of this policy.

The revised Policy is attached to this General Notice.

POSTC Model Policy

Police Motor Vehicle Pursuit Policy

Sec. 1. Purpose

The purpose of this policy is to establish a Uniform Statewide Pursuit Policy in accordance with the provisions of 14-283a-1 to 14-283a-4, inclusive and section 14-283a of the Connecticut General Statutes. This policy shall serve as the minimum standard for all police pursuits in Connecticut, involving POSTC Certified Police Officers. Additional requirements adopted by an individual police agency shall not conflict with any provision of this policy.

Sec. 2. Policy

Pursuits of fleeing motor vehicles may present a danger to the lives of the public, officers, and those vehicle occupants involved in the pursuit. Each police agency shall be responsible for assisting police officers in the safe performance of their duties.

Sec. 3. Definitions

1. "Pursuit" means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.
2. "Authorized emergency vehicle" means a police vehicle equipped with operable emergency equipment, including audible siren and red or blue flashing lights, while such vehicle is being operated by a police officer.
3. "Primary unit" means the police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.
4. "Secondary unit" means any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
5. "Supervisor" means a person designated by the police agency to have supervisory control over the operation of the agency's vehicles during a pursuit.
6. "Communications" means the central dispatch center or personnel staffing the central dispatch center of the police agency in the jurisdiction where the pursuit is occurring.
7. "Uniform Statewide Pursuit Policy, "known as "the policy" or "this policy," means Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies.
8. "Police agency" means the Division of State Police within the Department of Public Safety, including local police officers serving in municipalities with a Resident State Trooper, or an organized municipal police department.

9. "Crime of Violence" -An offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of, injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.

Sec. 4. Procedures

A. Initiation of Pursuit

1. *A police officer may only engage another vehicle in a pursuit if the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur. The officers must be able to articulate the exigent need to apprehend the driver or occupant because of the potential harm or risk to the public.*

2. *Offenses that constitute infractions, property crimes, (to include stolen motor vehicles), non-violent misdemeanors and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances.*

3. *The officers involved in the pursuit and their supervisor's shall continuously reassess the factors listed above to determine whether the pursuit shall continue or be terminated.*

4. *A pursuit shall not be undertaken, even if allowable by other provisions of this policy, unless and until the officer, based upon the information available to him/her at the time, shall make an objectively reasonable determination that the threat of imminent death or serious physical injury to the officer, the public or both, created by the pursuit is less than the immediate or potential danger to the public, should the suspect(s) or occupant(s) remain at large. A decision to engage in a pursuit shall be based upon the following:*

- a. *The underlying crime for which the operator or occupants are suspected of committing;*
- b. *Whether the identity of the operator or occupant is known and apprehension by other means is possible;*
- c. *That the immediate danger to the public and the police officer created by the pursuit is less than the immediate danger to the public should the occupants of the pursued vehicle remain at large;*
- d. *Location, speed, direction of other traffic, population density, type of vehicle being pursued and operators driving behaviors;*
- e. *Environmental factors such as, weather, time of the day, visibility;*
- f. *Relative capability of the police vehicle(s) and the vehicle being pursued;*
- g. *Road conditions, including surface type, wet, icy, dry roadway. Road typography, traffic controls;*
- h. *The presence of other people in the police vehicle;*
- i. *Population density, vehicular and pedestrian traffic.*

Sec. 5. Pursuit Operations

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies, and section 14-283a of the Connecticut General Statutes.
2. Upon engaging in or entering into a pursuit, the pursuing vehicle shall activate appropriate warning equipment. An audible warning device shall be used during all such pursuits.
3. Upon engaging in a pursuit, the police officer shall immediately notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The police officers shall keep communications updated on the pursuit. Communications personnel shall immediately notify any available supervisor of the agency or agencies involved in such pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other police officers of the involved police agency or agencies, and adjacent police agencies in whose direction the pursuit is proceeding.
4. When engaged in a pursuit, police officers shall drive with due regard for the safety of persons and property.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than three police vehicles, one of which shall be designated as the primary unit. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
6. The primary unit involved in the pursuit shall become secondary when the fleeing vehicle comes under police air surveillance or when another unit has been assigned primary responsibility.

Sec. 6. Supervisory Responsibilities

1. When made aware of a pursuit, the appropriate supervisor shall evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit, and shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used. Such supervisor shall also have the authority to terminate the pursuit. When the agency supervisor communicates a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit.
2. Where possible, a supervisory police officer shall respond to the location where a vehicle has been stopped following a pursuit.

Sec. 7. Pursuit Tactics

1. Police officers not engaged in the pursuit as the primary or secondary unit shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall become the secondary unit when a marked unit becomes available as the primary unit, and such unit shall disengage from the pursuit when another marked unit becomes available as the secondary unit.
3. Motorcycles may be used for a pursuit in exigent circumstances including, but not limited to, situations where a felony has been committed, deadly force has been used by a vehicle occupant, or the pursuit is necessary to preserve a life, provided that weather and related

conditions allow such pursuit to continue. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.

4. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.
5. All intervention techniques short of deadly force shall be used when it is possible to do so in safety and when the police officers utilizing them have received appropriate training in their use. Such techniques shall include, but not be limited to, boxing in the vehicle or using controlled termination *devices such as stop sticks*.
6. Roadblocks are prohibited unless specifically authorized by the supervisor in charge after consideration of the necessity of applying deadly physical force to end the pursuit.

Sec. 8. Use of Firearms during a Pursuit

1. Officers shall not discharge their firearms at a moving vehicle or its occupants unless, the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.

a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.

b. No officer should intentionally position his or her body into the path of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit, that employs such police officer and in accordance with an established written policy. Whenever possible, the involved officer should make an effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

Sec. 9. Termination of the Pursuit

1. The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever he or she reasonably believes that the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary unit at any time.
3. A supervisor may order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.
4. A pursuit may be terminated if the identity of the occupants has been determined, immediate apprehension is not necessary to protect the public or police officers, and apprehension at a later time is feasible.
5. A pursuit may be terminated when the police officers are prevented from communicating with their supervisors, communications or other police officers.

6. *A pursuit shall be terminated if the police officer knows or is reasonably certain, that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.*

Sec. 10. Inter-Jurisdictional Pursuits

1. The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility or cross the state line. Municipal police agencies and the State Police shall notify each other whenever entering the other's area of law enforcement responsibility.
2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.
3. In all cases where a pursuit enters an area of law enforcement responsibility of a police agency other than that of the initiating police agency, the police agency in pursuit shall be responsible for immediately notifying the police agency responsible for such area. The desk officer or duty supervisor for the police agency responsible for such area shall determine if assistance is necessary and police officers from police agencies other than the initiating agency shall not join the outside pursuit unless:
 - a. Directed by such duty supervisor or desk officer; or
 - b. The involved pursuit unit is unable to request assistance; or
 - c. The situation demands immediate assistance. The supervisors of the respective police agencies involved in the pursuit shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.
4. In all cases where the pursuit enters a municipality without a regularly organized police department, notification shall be made to the State Police troop responsible for that area. Such troop shall maintain radio communications with all local police officers serving in any such municipality.
5. *Agencies pursuing a vehicle into another jurisdiction must most notify that jurisdiction as soon as practical, provided that agency with all available information pertinent to the pursuit, including but not limited to:*
 1. *The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed*
 2. *Location, speed, and direction of travel*
 3. *Vehicle and occupant(s) description*
 4. *The number of vehicles and agencies involved in the pursuit*
 5. *Whether assistance is requested/needed or not*
 6. *Other available information as to the conditions of the pursuit*

The pursuing agency will notify the other jurisdiction whether or not the pursuit has been terminated or is leaving their jurisdiction.

Any agency involved in the pursuit may, at its discretion, choose to terminate its involvement in a pursuit at any time. The supervisor and the police officers involved in the pursuit shall make their own determination whether their officers shall enter, continue or terminate the pursuit within their jurisdiction.

Sec. 11. Post-Pursuit Reporting

1. Whenever a police officer engages in a pursuit, the police officer shall file a written report on the appropriate form required by his or her agency describing the circumstances. This report shall be reviewed by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.
2. Each police agency shall periodically analyze its police pursuit activity and identify any additions, deletions or modifications warranted in agency pursuit procedures.
3. *Post-Pursuit reports shall be completed for each police pursuit in accordance with department policy and training.*
4. *In accordance with Section 14-283a-1 to 14-283a-4, inclusive and section 14-283a of the Connecticut General Statutes Not later than January 31, 2020, and annually thereafter, each Chief of Police and the Commissioner of the Department of Emergency Services and Public Protection shall submit an annual report to the Police Officers Standards and Training Council regarding pursuits by police officers, on the standardized form developed and promulgated by POSTC*
5. *Each police agency involved in the pursuit must report their involvement to POSTC on the designated reporting form. Departments shall indicate on the form whether they were the Initiating agency or a secondary unit.*

Sec. 12 Other Pursuit Considerations

1. *High speed operation - A police officer in pursuit may operate their vehicle at a speed that the condition of the vehicle, existing road, traffic, environmental conditions, and the officer's driving abilities will safely permit.*
2. *Number of involved pursuit vehicles - No more than three police vehicles shall be actively involved in a pursuit, unless directed otherwise by a commander, superior officer, or supervisor, however, all police officers should be alert to the progress and location of any nearby and ongoing pursuit.*
3. *Offensive driving tactics are limited - Deliberate contact between vehicles, (i.e., intentional collision, PIT Maneuver, or ramming) shall not be attempted unless permission is obtained from a supervisor, in accordance with established written policy*
4. *Spacing of Vehicles - All police units in active pursuit shall space themselves at reasonable and safe distances to permit adequate braking and reaction times if any preceding vehicle stops, slows, turns, becomes disabled or collides with any vehicle or object.*

5. *Police officers shall operate available emergency warning lights and their vehicle siren to alert other motorists to unexpected pursuit vehicle maneuvers.*
6. *A police pursuit vehicle entering any intersection against traffic control signals or signs shall slow to safe speeds and be prepared to slow or stop to avoid any collision.*

Sec. 13. Forced Stop Procedures (Alternative Measures)

1. *Forced stop procedures, to include but not limited to PIT Maneuver, Boxing-in, and Intentional collision. Roadblocks), short of deadly force, may be considered to stop a fleeing vehicle;*
2. *Forced stop procedures may be considered when the necessity for an immediate apprehension outweighs the dangers presented to all parties involved and innocent persons.*
3. *Forcing vehicles to stop usually presents serious safety hazards to participants and any innocent persons who are present.*
4. *Forced stop procedures must be reasonably and properly applied by police officers who have received appropriate training in their use and have received authorization from their supervisor, absent exigent circumstances.*
5. *Forced stop procedures shall be conducted in accordance with department policy and training.*

A. Roadblocks

1. *Use of a roadblock, ramming or forcing a vehicle from the roadway may be employed if deadly force can be reasonably applied to apprehend one of the following persons, after all other reasonable alternatives have been exhausted or would be ineffective;*
 - *A dangerous fleeing felon - A person for whom there is reasonable cause to believe that the person has committed a violent felony involving an actual or threatened attack which the police officer has reasonable cause to believe could or has resulted in death or serious physical injury; or*
 - *Any person who is operating a motor vehicle recklessly and in such a manner as to be reasonably likely to cause death or serious injury to any other person should they be allowed to continue operation of the vehicle.*
 - *The use of a roadblock shall be used in accordance with department policy and training.*

B. Boxing-In

1. *Boxing in shall only be performed at relatively low speeds. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to police officers, the public and the occupants of the violator vehicle.*

2. *Boxing in normally requires two or more police units to position themselves around the violator to form a box at low speeds pursuits. Once the fleeing vehicle is blocked, the police pursuit vehicles slowly and gradually reduce their speed, causing the violator to stop.*
 3. *It must be anticipated that a violator may attempt to maneuver past the lead blocking vehicle or intentionally collide with it or one of the other blocking vehicles to move out of the box.*
 4. *Boxing-in techniques shall be used in accordance with department policy and training.*
- C. *Intentional Collision of the Offending Vehicle*
1. *A deliberate contact between a police vehicle and a violator's vehicle and is intended to cause the violator to spin or leave the roadway in a slow and controlled manner.*
 2. *This technique should be used in accordance with department policy and training.*
 3. *When considering intentional collision of a violator, each police officer and supervisor must be aware that these actions may result in serious physical injury or death and may activate the vehicle airbags or fuel system shut-offs causing the police vehicle to become disabled.*
- D. *Tire Deflation Devices – Stop Sticks*
1. *Police officers must first complete a department required training course on the use of Tire Deflation Devices. These devices shall only be used in accordance with department policy.*
 2. *Stop Sticks shall not be deployed to stop Motorcycles, or other vehicles with less than four (4) wheels.*

Sec. 14. Vehicle Pursuit Training

Police officers who drive police vehicles shall be given initial and biennial update training in the agency's pursuit policy and in safe driving tactics. The provisions of Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies shall be a part of the curriculum for all police basic recruit-training and re-certification programs in Connecticut.

1. *Pursuit Training Programs shall consist of:*
 - a. *Knowledge of applicable statutes*
 - b. *Court decisions impacting police pursuits*
 - c. *Department policy*
 - d. *Supervisory and individual responsibilities in a police pursuit*
 - e. *Reporting requirements*
 - f. *Inter-jurisdictional considerations*
 - g. *Pursuit driving skills and techniques.*




EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 3.6

RULES OF CONDUCT

01D

| | | |
|---|---------------------------------|------------------------------------|
| SUBJECT: PURSUIT POLICY | | |
| Issue Date: 3/27/2019 | Effective Date: 4/8/2014 | Distribution: All Personnel |
| Amends/Rescinds GO: 5/2/2014 | | Review Date: |
| Per Order of:  Dennis Woessner, Chief of Police | | |
| <i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i> | | |

I. PURPOSE

The purpose of this policy is to establish guidelines for effective and efficient operational standards that will assist East Hampton Police Department ("Department" or "EHPD") in the care and operation of police emergency vehicles.

II. POLICY

The East Hampton Police Department, the main agency in charge of public safety, has the responsibility of implementing measures to guarantee the wellbeing of all people. As such, the EHPD's public policy includes measures to ensure compliance with vehicle and traffic regulation on public roads and highways.

Emergency response driving and vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the EHPD to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this department to regulate the manner in which emergency response driving and vehicular pursuits are undertaken and performed.

No officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicle pursuit based on the risk involved even in circumstances where this policy would permit the commencement or the continuation of the pursuit.

III. DEFINITIONS

Authorized emergency vehicle: A police vehicle equipped with operable emergency equipment, including audible siren and red/blue flashing lights, while such vehicle is being operated by a police officer.

Barricade: Any movable or stable method used to restrain or impede free flow of motor vehicles on a public road or highway in order to detain or apprehend a suspect or suspects that are either driving a motor vehicle or traveling as passengers.

Boxing In: Surrounding a violator's moving pursuit vehicle by emergency vehicles, which are then slowed to a stop along with the violator's vehicle.

Communications: The central dispatch center or personnel staffing the central dispatch center of the police agency in the jurisdiction where the pursuit is occurring.

Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road to otherwise come to a stop.

High Speed: Any operation of an official vehicle over the identified speed limit in the area of operation.

Intervention Technique: Any device by its design used to reduce the risks or dangers associated with police pursuits that, when deployed and contact is made, will cause the fleeing vehicle to sustain flattened tires and force it to slow down.

Low Speed pursuit: An attempt by an officer, with emergency lights and siren engaged, to stop a vehicle that is traveling at or below the speed limit.

Police Agency: The Division of State Police within the Department of Public Safety, including local police officers serving in Municipalities with a Resident State Trooper, or an organized municipal police department.

Primary Unit: The police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.

Public risk: The degree of risk to the public posed by the actions of the suspect. It is generally comprised of the following elements: the risk inherent in the initial act or crime committed by the suspect, and the risk faced by the public should the suspect be allowed to escape and remain at large.

Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of

such vehicle or by ignoring the police officer's attempt to stop such vehicle.

Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.

Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Street Paralleling: Driving the police vehicle on a street parallel to a street on which a pursuit is occurring

Supervisor: A person designated by the policy agency to have supervisory control over the operation of the agency's vehicles during a pursuit.

Terminate: To immediately stop or cease the pursuit by pulling over to the side of the road or turning onto a side street. The pursuing officer and all units involved in the pursuit shall cease involvement in the pursuit and return to non-emergency driving operation. Following behind or paralleling a vehicle with or without emergency equipment activated after the pursuit has been terminated is not authorized.

Tire Deflation Device (Spike Strip): A tire-puncturing apparatus which can be placed on a road surface in front of a moving vehicle such as an automobile. A special spike is used to first penetrate the tire's surface and then embed a hollow quill in the tread of the tire such that the tire will deflate at a controlled rate, rather than causing a blowout and subsequent loss of control of the vehicle.

Uniform Statewide Pursuit Policy - known as "the policy" or "this policy", means Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies

Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.

Violation: An offense which is not a crime, for which the only sentence authorized is a fine and which is not expressly designated as an infraction. C.G.S. § 53a-27.

Violator: Any person operating a motor vehicle that a police officer reasonable believes:
(1) has committed a violation or a crime as defined by Connecticut General Statutes, or
(2) poses an immediate threat to the safety of the public or other police officers

IV. PROCEDURES

A. Emergency Driving – General

1. Marked police vehicles engaged in an emergency response, day or night, will utilize emergency lights, siren and alternating headlights.
2. Only unmarked vehicles equipped with alternating headlights, siren, and authorized emergency lights will engage in an emergency response or pursuit.
3. In cases of crimes in progress, the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene.
4. Once the emergency response is terminated, and the use of lights and siren are discontinued, officers will respond in obedience to all traffic laws.
5. Unmarked police vehicles not equipped with emergency response equipment will not be operated in an emergency response.
 - a. If dispatched to a high priority incident in an unmarked vehicle without emergency response equipment, officers will respond in obedience to all traffic laws.
 - b. Unmarked police vehicles may temporarily engage in a pursuit authorized in Sections B and C (below) only until a marked unit is available at which time the unmarked unit will disengage and/or become the back-up or an assisting unit.
6. Non-sworn employees will NOT engage in emergency response or pursuit driving.
7. Officers will not engage in an emergency response or pursuit driving while transporting non-departmental persons (prisoners, witnesses, etc.) unless:
 - a. The passenger is a ride-along observer who has signed a Liability Release Form, or
 - b. When necessary to preserve life when a timely ambulance transport is not available.
8. The officer's supervisor will be responsible for the management of any emergency response, including the responsibility to terminate same.
9. Escorts of civilian vehicles will only be conducted in medical emergencies when:

- a. Such escort is necessary to preserve life and timely ambulance transport is not available, or
- b. Permission is granted by an immediate supervisor.

B. Initiation of a Pursuit

1. All officers must, prior to starting a pursuit, secure their seatbelts and activate all audible and visible emergency warning signals, and shall take any proper precautions in order to safeguard their life, as well as the life and property of others.
2. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the imminent threat of death or grave bodily harm to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
3. Officers must not assume that all persons who flee from the police and refuse to yield are felons. Experience has shown that most pursuits involve misdemeanor and motor vehicle violations only. Officers should also be aware that, in the heat of a chase, the violator frequently refuses to give up and the officer, likewise, feels the obligation to succeed in the pursuit. This psychological phenomenon may cloud an officer's judgment and may cause him to continue a chase beyond the point where common sense and good judgment would require the pursuit to be terminated.
4. Officers must constantly evaluate the risks involved with initiating or continuing a pursuit or emergency response, and assess if the risks associated with the pursuit outweigh the possible benefits as determined by a review that includes, but is not limited to, the following factors:
 - a. Reason for the response or pursuit, seriousness of the incident or charges;
 - b. Traffic density/pedestrian volume and population density;
 - c. Weather/road conditions;
 - d. Speed involved;
 - e. Officer's driving skill/specialized training;
 - f. Time of day;
 - g. Type of area (business vs. residential);
 - h. Type of road;
 - i. Condition of police vehicle;
 - j. Availability of additional police vehicles to assist at the scene or to intercept pursued vehicle;

- k. Knowledge of the offender's identity and danger to the community if the suspect is not immediately apprehended;
- l. Danger caused by the operation of vehicle being pursued;
- m. Alternate means of apprehension, including knowledge of the identity of the suspect(s) and possible destination;
- n. Likelihood of apprehension, including availability of assistance;
- o. Pursuing officer's driving skills and familiarity with the roadway/area;
- p. Characteristics and driving behavior exhibited by the suspect(s);
- q. Existence of possible innocent third party inside suspect vehicle; and
- r. Ability to maintain radio communications.

C. Prohibitions

1. Officers are authorized to engage and continue in a pursuit only when they have reasonable suspicion to believe the driver or occupant has committed or is attempting to commit a crime of violence, or when officers can articulate the exigent need to apprehend the suspect(s) because of the potential for harm to the public (Public Risk). The danger created by the suspect cannot constitute justification for the pursuit.
2. High speed vehicle pursuits are prohibited under the following conditions:
 - a. When non-law enforcement officers are present in the vehicle;
 - b. Pursuits of motorcycles;
 - c. During severe weather conditions;
 - d. The police vehicle does not have functioning emergency equipment (lights and siren);
 - e. The identity of the violator has been established to the point that a later apprehension and identification is likely through other means, unless there exists an immediate need for apprehension
3. All intervention tactics such as low speed tactical intervention techniques, and speed channeling are prohibited.
4. Officers shall not pursue any off-road type vehicles, which include three and four wheeled ATVs, dirt bikes, motorized scooters, go-peds, mopeds, go-carts, and any other recreational type vehicle that may be operated on public roads or property. Very often these vehicles are operated by youths who are incapable of handling the pressures involved in pursuit situations. In only the most extreme situations, where allowing the operators escape creates a severe risk of serious injury or death to either an officer or another citizen, a supervisor may allow the pursuit.
5. Officers are prohibited from discharging firearms at or from a moving vehicle or bicycle unless officers reasonably believe deadly force is necessary to

defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances.

D. Pursuit Procedures

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies, and Section 14-283a of the Connecticut General Statutes. Officers shall not drive with reckless disregard for the safety of other motorists or pedestrians.
2. Upon engaging in, or entering into a pursuit, the pursuing vehicle shall activate appropriate warning equipment. An audible warning device shall be used during all such pursuits.
3. When a motor vehicle pursuit is initiated, the pursuing officer will immediately report same to emergency dispatch personnel by stating that the officer has a pursuit and advising of the following:
 - a. The officer's assigned radio call number;
 - b. Initial purpose of stop and reason for pursuit (officer will clearly articulate this);
 - c. Location, route, and direction of travel;
 - d. Description of pursued vehicle and license plate number;
 - e. Number of occupant(s) and description;
 - f. Weapons involved, if any;
 - g. Speed of pursuit; and
 - h. Operation of pursued vehicle, e.g., reckless, slow, etc.;
4. The officer shall keep dispatch personnel updated on the status of the pursuit.
5. All personnel on the same channel will refrain from radio transmissions during the pursuit except for short transmissions of their locations as safety permits. A secondary channel will be utilized for other emergencies.
6. Dispatch personnel shall immediately notify the on-duty supervisor, clear the radio channel of non-emergency traffic, enter the pursuit into the CAD system, and relay necessary information to other East Hampton Police Officers, and adjacent police agencies in whose directions the pursuit is proceeding.
7. Motorcycles may engage in a pursuit only under the most critical and unusual circumstances where immediate apprehension is necessary to alleviate a

danger to public safety. As soon as a marked police vehicle is available to assume the pursuit, the motorcycle will withdraw from active pursuit. Motorcycles will not engage in pursuit in inclement weather.

8. Number of Police Units

- a. The primary unit in pursuit and one back up unit will be responsible for the actual pursuit. Other assisting units will take parallel courses and remain in the area of the pursuit.
- b. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. If the pursuit is initiated with an unmarked vehicle, such unit shall become the secondary unit when a marked unit becomes available. The unmarked unit shall disengage when another marked unit becomes available as the secondary unit.
- c. No more than two police vehicles (to include patrol vehicles from other agencies) and one supervisor will follow behind the suspect vehicle in a pursuit.
- d. The primary pursuit unit shall become the secondary unit when the fleeing vehicle comes under police air surveillance, or when another unit has been assigned primary responsibility.
- e. The secondary unit will become the primary unit when the primary unit becomes disabled or is unable to continue the pursuit.
- f. The back-up unit shall follow at a safe distance and shall be responsible for all radio communications, allowing the primary pursuing unit to devote full attention to driving.
 - (1) Exception: If the primary pursuing unit is a two-officer vehicle, the unit may opt to maintain responsibility for radio communications. In such a case, the passenger officer will assume responsibility for all communications.
- g. The back-up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than one supervisor, no other units will follow behind these two units.
- h. Police officers, not engaged in the pursuit as the primary or secondary unit, shall not follow the pursuit on parallel streets unless authorized by a supervisor.

9. Passing Primary Pursuit Vehicle

- a. There shall be no attempt by officers to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a supervisor.

10. Overtaking Pursued Vehicle

- a. Overtaking or attempts to overtake a pursued vehicle is prohibited.

11. Controlled Access Highways

- a. Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access highway. The following options are to be considered:
 - (1) Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.
 - (2) Request assisting units to observe the exits available to the suspect vehicle, and block access to the highway for other vehicles which may head into the path of the suspect vehicle.

12. Forcible Stops

- a. Ramming or heading off the fleeing vehicle by a police vehicle is prohibited.
- b. Boxing in a suspect vehicle is prohibited unless expressly authorized by a supervisor.
- c. Barricades or road blocks are prohibited.

13. Tire Deflation Device (Spike Strips)

- a. With prior authorization, a spike strip may be deployed in stationary vehicle situations for the following purposes:
 - 1) To prevent a vehicle(s) from being moved by a suspect attempting to flee a scene.
 - 2) To prevent movement of a vehicle that is, or possibly will be, evidence.

- b. The deployment of a spike strip on a moving vehicle during the course of a pursuit is considered a use of force and shall be used in accordance with this policy and the Department's Use of Force Policy.
- c. A spike strip will be deployed only with the approval of a Supervisor. A Supervisor's approval may be communicated through the emergency dispatch personnel.
 - (1) The supervisor must give consideration to all available information and authorize the use of the spike strip only when in his/her opinion the use of the spike strip is necessary to bring a pursuit to an end.
 - (2) Requests from outside agencies for the use or deployment of a spike strip will be at the discretion of the supervisor.
- d. No officer, or other department employee, shall deploy a spike strip unless the following criteria are met:
 - (1) The officer has received the designated training for deployment of the spike strip established by the Department's Training Bureau.
 - (2) A sergeant or higher-ranking officer has authorized the deployment of the spike strip. Exceptions from a sergeant or higher-ranking officer's approval are justified when in the totality of the situation or the circumstances surrounding the pursuit presents additional risks that clearly outweigh prior approval of the deployment of a spike strip.
 - (3) The officer deploying the spike strip must advise pursuing vehicles, by radio, that a spike strip will be used, where the spike strip will be used, and any officer-controlled lane restrictions established.
- e. Spike strips should not be deployed:
 - (1) To terminate pursuits involving motorcycles, other two wheel vehicles, or any vehicle transporting flammable or hazardous materials.
 - (2) Roadways bounded by steep descending embankments.
 - (3) Areas of special events or activities.
 - (4) Curves or locations where the safety of oncoming traffic cannot be ensured (blind hills and curves).
 - (5) Construction zones.

(6) Pedestrians in the immediate area.

f. Deployment Process:

- (1) The spike strip will be maintained as per instructions and secured within the trunk as designed.
- (2) After removal from the trunk the spike will be deployed and secured in accordance with training and manufacturer's instructions.
- (3) Personnel will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, tree, etc. (officer's patrol vehicle or any other vehicles are not appropriate protective barriers)
- (4) The positioning of the police vehicle(s) must allow for a lane of traffic to remain open, across which the spike strip may be deployed.
- (5) Whenever possible, officers should place their vehicles out of sight of the approaching suspect vehicle in order to reduce the chance of spike strip avoidance by the suspect vehicle.
- (6) An officer shall remain outside his/her police vehicle when deploying a spike strip. Officers, however, must take a safe cover position away from the point of contact between the suspect vehicle and the spike strip.
- (7) Remove the spike strip immediately after it has been run over to allow police vehicles to proceed.
- (8) Spike strips are not waterproof and must be wiped dry before they are returned to their storage rack.
- (9) The damaged portion of a spike strip used to successfully stop a vehicle involved in a pursuit should be placed in evidence. The undamaged portion(s) of a spike strip may be returned to service. All damaged spike strips not placed in evidence should be turned into the Training Division for replacement.
- (10) Personnel using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.

g. Reporting:

- (1) The deployment of the spike strip the deploying officers must be documented with a Use of Force Report Form following any deployment of the spike strip.
- (2) A copy of the report shall be sent to the Training Division and Chief of Police.
- (3) A Use of Force Report Form must be generated as per current Policy: Reporting and Investigating Force GO 3.5.
- (4) In the event the deployment of a spike strip results in a fatality, the spike strip will be turned over as evidence in any ensuing investigation.

14. Traffic Control Devices

- a. Extreme care will be used when passing traffic signs or signals. Police vehicles will stop to insure that all vehicular and pedestrian traffic is aware of and yielding to the emergency vehicle. When two or more emergency operated vehicles approach an intersection at the same time from different directions where traffic control devices are installed, said devices and the Vehicle and Traffic Act will determine the right-of-way.

15. Apprehension

- a. The primary and back-up units and supervisor are responsible for the activities at the apprehension site. No other units will respond unless requested by the primary unit or supervisor as dictated by the situation.

16. Termination

- a. The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit under any of the following conditions:
 - (1) When circumstances develop, whereby the risks associated with continued pursuit are greater than the public safety or making an immediate apprehension.
 - (2) Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.
 - (3) When the pursued vehicle's location is no longer known by pursuing officers.

- (4) When radio contact is lost and officers are prevented from communicating with their supervisors, dispatch personnel, or other police officers.
- (5) When the officer is unfamiliar with the area and is unable to accurately notify the Communications Center of his location and the direction in which the pursuit is proceeding.
- (6) When ordered by the supervisor in accordance with Section E below.

E. Immediate Supervisor's Responsibilities

1. Affirmatively authorize continuance of the pursuit and immediately acknowledge responsibility for management of the pursuit by stating over the radio his/her car number and the fact that he/she is responding to the area.
2. If a supervisor determines that more units are needed, the number of units will be determined by:
 - a. The nature of the offense;
 - b. The number of suspects involved;
 - c. Whether the participating units have more than one officer; and
 - d. Other clear and articulated facts that would warrant the increased hazard of having more police units involved.
3. Assume sole supervisory responsibility for monitoring the pursuit until termination, until or unless relieved by a higher ranking authority.
4. Determine the reason for the pursuit, direction of travel, speed, description of vehicle, description of occupant(s), weapons involved, if any.
5. Terminate any pursuit that does not conform to the restrictions of this policy as outlined herein.
6. Terminate any pursuit where the risks to continue the pursuit outweigh the benefits.
7. Constantly evaluate risks in continuing the pursuit.

8. When the supervisor issues as termination directive, all agency vehicles shall disengage warning devices and cease the pursuit immediately.
9. If pursuit is terminated, the supervisor will confirm that all units have ceased the pursuit.
10. The on-duty supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

F. Dispatch Center Responsibilities

1. The Communications Center dispatcher, upon notification of a pursuit will:
 - a. Clear the channel except for vehicles involved in the pursuit.
 - b. All other transmissions will be sent to a secondary channel.
2. If a patrol supervisor has not taken command of the pursuit within the first two minutes, assign one from the area originating the pursuit (or nearest available supervisor) to be responsible to manage the pursuit until termination or conclusion. If a supervisor cannot be located to take command of the pursuit within the first three minutes, Dispatch Center will terminate the pursuit.
3. Notify other channels and police agencies if the pursuit may enter their jurisdiction.
4. Initiate registration and criminal record searches as soon as possible and broadcast when time permits.

G. Inter-Jurisdictional Pursuits

1. The pursuing police officer shall notify dispatch when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility.
2. In all cases where a pursuit enters an area of law enforcement responsibility of a police agency other than EHPD, East Hampton Police desk personnel shall be responsible for immediately notifying the police agency responsible for such area.
3. Notification from another jurisdiction of a pursuit in progress is not a request to join the pursuit. The caller from the outside jurisdiction will be specifically asked if this is a request for assistance or merely a notification. Unless specifically authorized by the supervisor/officer in charge, no officer shall join

in an active pursuit by another law enforcement agency.

4. The shift supervisor shall communicate with the other agency's supervisor, when feasible, to determine the respective responsibilities of each police agency, and to determine which police agency will assume primary operational control of the pursuit. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit.
5. In all cases where the pursuit enters a municipality without a regularly organized police department, notification shall be made to the Connecticut State Police Troop responsible for that area.

H. After-Pursuit Inspection and Investigation

1. Upon termination of the pursuit, the on-duty supervisor shall inspect any vehicle utilized during the pursuit. Any vehicle which is suspected to have suffered damage in a pursuit shall immediately be removed from service for inspection. Photographs should be taken of all damage caused to police, violator's vehicle, and other vehicles damaged during the pursuit.
2. The Shift Supervisor may notify and request that an East Hampton Police Department's accident reconstructionist report to the scene of any accident that is the result of a pursuit. The reconstructionist shall have the responsibility of investigating the accident, and shall report his/her findings to the Chief of Police.

I. Reporting/Review Requirements

1. Officers' Responsibility:
 - a. Each officer involved in the pursuit will submit a report detailing all actions taken, including, but not limited to, the deployment of tire deflation devices, blocking side streets, etc.
 - b. The reports shall be completed prior to the end of the officer's shift. If the officer(s) are physically unable to comply, they should be interviewed by their immediate supervisor as soon as possible.
 - c. Each Officer will complete the Police Officer Standards and Training Council (POST) Pursuit Tracking Form (Attachment A). Section 18 of the form will be left blank and section 20 is reserved for supervisory approval. This form is required by POST General Notice 18-06.

2. Supervisor's Responsibilities:
 - a. After each pursuit situation, it will be the responsibility of the assigned supervisor to verbally notify their immediate supervisor
 - b. Complete section 20 of the POST Pursuit Tracking Form and review supplemental reports (from officers). Ensure the Pursuit Tracking form is submitted to: CTpolicepursuit@newton-ct.gov per POST General Notice 18-06.
 - c. Document car numbers of those vehicles involved in the pursuit and all those who respond to the apprehension site.
 - d. Request an audiotape copy of the pursuit from the Dispatch Center, to include all transmissions on those channels affected by the pursuit. These audiotapes will then be forwarded to the Chief of Police as soon as practical.
3. Each pursuit will be reviewed by the Chief of Police. The scope of the review will include compliance with this policy and the identification of any training deficiencies, as well as suggestions for changes and/or modifications to this policy.
4. The designated Sergeant shall prepare an annual vehicular pursuit summary report to the Chief's Office by January 15th of each year. The yearly report shall contain the following information:
 - a. Total number of pursuits
 - b. Number of pursuits which resulted in accidents, injuries, death and number of arrests;
 - c. The number and types of vehicles involved in accidents;
 - d. A description of the individuals injured or killed (police, violator, third party);
 - e. The number of violators involved and arrested in pursuit incidents, including passengers;
 - f. Charges

5. Training

- a. Police officers who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics. The provisions of Section 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies shall be a part of the curriculum for all police basic recruit training and re-certification programs in Connecticut.
- b. This policy shall be reviewed at least once each year with each East Hampton Officer.



Office of the POLICE DEPARTMENT
DENNIS WOESSNER, CHIEF OF POLICE

December 20, 2019

To: David Cox, Town Manager

From: Dennis Woessner, Chief of Police 

Subject: General Order approval

Attached to this memorandum is a General Order which I am submitting for approval:

General Order 5.5, **Family Violence**, is an existing General Order which required updating to reflect the current Connecticut Statewide Model Policy, as prescribed by the Police Officer Standards and Training Council (POSTC). I have attached two copies of the model policy. The first copy contains the changes in red and the other copy is the approved policy. This General Order will change every year in December.





EAST HAMPTON POLICE DEPARTMENT

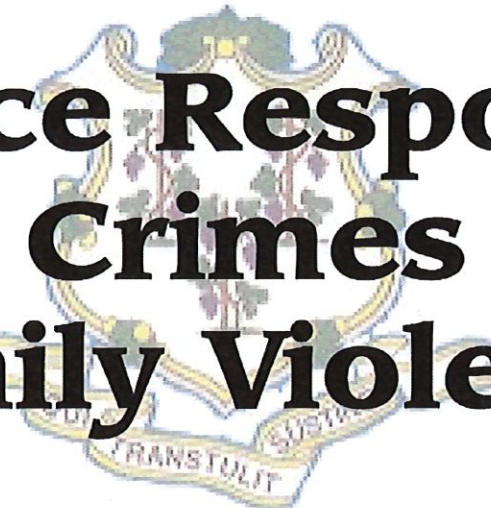
GENERAL ORDER 5.5

PATROL FUNCTIONS

| | | |
|---|------------------------|---|
| SUBJECT: FAMILY VIOLENCE | | |
| Issue Date: | Effective Date: | Distribution: All Personnel |
| Amends/Rescinds GO: 10/9/2019 | | Review Date: 12/20/2020 |
| Per Order of:  Dennis Woessner, Chief of Police | | POSTC State Accreditation 1.3.62 |
| <i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i> | | |

- I. **See Attached** POLICE RESPONSE TO CRIMES OF FAMILY VIOLENCE CONNECTICUT STATEWIDE MODEL POLICY REV 12/2019

**Connecticut
Statewide Model Policy**



**Police Response
to Crimes of
Family Violence**

**Model Policies, Procedures
and Guidelines**

Revised December 2019

Police Response to Crimes of Family Violence

Model Policies, Procedures and Guidelines

Revised: December 2019

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I. FOREWORD

This document represents Connecticut's model policy for all law enforcement to follow as a minimum standard and is aimed at serving as a meaningful guide when responding to incidents of family violence. The Family Violence Prevention and Response Act (FVPRA) represents a national model of cooperation among the multiple agencies, organizations and individuals who respond to incidents of family violence. The law is very specific regarding the responsibilities of police officers in handling family violence cases.

II. MODEL POLICY PURPOSE

It is the policy of this agency that family violence be treated as serious, violent or potentially violent criminal behavior and, consistent with this policy, that officers fully comply with the Family Violence Prevention and Response Act to:

- Make arrest decisions in such cases in accordance with traditional probable cause standards and existing state statutes;
- Protect victims of domestic violence and provide them with relevant information regarding the availability of community services and support (“Duty to Protect”); and
- Serve as a minimum standard for all law enforcement agencies to follow with the opportunity to add enhancements which serve to reflect the needs of your particular community; and
- Promote officer safety when dealing with family violence situations.

III. FAMILY VIOLENCE DEFINITIONS

“Family violence”: means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur.” CGS §46b-38a(1) (2013).

“Family violence crime” means a crime as defined in §53a-24, other than a delinquent act as defined in §46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. CGS §46b-38a(3) (2013).

“Family or household member”, as defined in CGS §46b-38a(2) means any of the following persons, regardless of the age of such person: (A) Spouses or former spouses; (B) parents or their children; (C) persons related by blood or marriage; (D) persons other than those persons described in subparagraph (C) of this subdivision presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.” CGS §46b-38a(2) (2013).

NOTE: PA 19-189, clarifies the mandatory arrest carve out added to the state’s family violence arrest statute in 2018 only applies to “non-family platonic roommates” in the following living situations:

- Attending an institution of higher education and presently residing together in on-campus housing or off-campus housing owned, managed, or operated by the institution of higher education or its agent, or
- Presently residing together in a dwelling unit and making payments pursuant to a rental agreement

Because the definition of a family or household member under Section 46b-38a has not changed, platonic roommates are still able to apply for relief from abuse under a family violence restraining order in civil courts.

“Possess” per CGS §53a-3(2), means to have physical possession or otherwise to exercise dominion or control over tangible property.

“Safety Plan.” A plan developed between a certified domestic violence advocate and a victim/survivor that offers various options for safety which may include law enforcement.

“Trauma-Informed Care.” Pursuant to CGS §46b-38b(f) police officers and family violence intervention unit counselors must inform the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological psychological, and social effects of trauma and violence on a person. The Act adds that the services be delivered by a regional family violence organization that employs or provides referrals to counselors who:

1. Make available to family violence victims resources on trauma exposure and its impact on treatment,
2. Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma,
3. Emphasize continuity of care and collaboration among organizations that provide services to children, and
4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.

“Advocacy” characterizes the work of a certified domestic violence advocate, working for a designated domestic violence organization who is working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach.

“Family Violence Victim Advocate - FVVA” a person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

“Child and Family Advocate” a person who is working within and supervised by a domestic violence organization, whose primary role is to provide services, support and advocacy to sheltered and non-sheltered child, adolescent and teen victims of domestic violence and their families.

“Dominant Aggressor” means the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime. [CGS §46b-38a(5) as amended by [PA 18-5](#)]

IV. ORDERS OF PROTECTION (OOP)

“**Conditions of Release Order**” for family violence should be set by Law Enforcement or Bail Commissioner upon release from custody, and remains in effect until the arrested person has been presented before the Superior Court [CGS [§54-63c\(b\)](#)]. For Law Enforcement specifically, in addition to completing the JD-CR-146, the duty supervisor shall ensure that the conditions and restrictions are entered into NCIC as a File 20 with restrictions.

“**Restraining Order.**” A restraining order is issued by a judge of the civil court against a person who is a family or household member, usually after a hearing, but the court may issue the order immediately upon application by the victim as an “ex parte” order to remain in effect until the hearing. In the restraining order, the judge can order the abuser not to hurt or harass the victim. The judge may also order the abuser to move out of the home and order the victim to have temporary custody of the children.

“**Protective Order.**” A protective order is issued by a *criminal court* judge and is directed against a defendant who has been arrested for a family violence crime or whenever a protective order is an appropriate remedy in a criminal case.

“**Standing Criminal Protective Order**” means a criminal order of protection issued by a criminal court judge at the time of an offenders sentencing. The order can remain in effect for a significant duration of time. Previously known as a Standing Criminal Restraining Order (prior to October 1, 2010) with no expiration date.

“**Foreign Order of Protection**” means any protection order, as defined in 18 USC 2266, a restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.

“**Civil Protection Order**” means an order of protection issued by a civil court to protect an applicant who has been the victim of stalking, sexual assault and/or sexual abuse that is not related to family or domestic violence.

NOTE: Pursuant to CGS [§53a-223](#), no person who is listed as a protected person in any order of protection may be liable for:

- 1) Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or
- 2) Conspiracy to violate such order.

V. RECOMMENDED RESPONSE PROCEDURES

Telecommunication Personnel

When taking a call for service, telecommunication personnel should follow department protocol when obtaining information regarding a family violence incident. Particular attention should be paid to the following:

- the **caller's** name and relationship to the offender;
- the **victim's** name and the offender's name, and their relationship to each other;
- the nature of the abuse, or suspected or sustained injuries;
- whether weapons were implied, involved and/or present;
- previous available complaint history;
- whether the victim has a current OOP;
- whether a court order of protection is in place;
 - Check the Connecticut Protective Order Registry – File 20 and relay to the responding officer;
- whether children are involved;
- whether there is a presence of alcohol, drugs, or mental illness; and
- Telecommunication personnel are reminded that family violence victims are provided with the incident case number and contact information for the investigating agency, in order to allow them to obtain periodic updates as to the offender's incarceration status. Telecommunications personnel are to assist victim(s) who make such inquiries as to defendants who remain housed at the investigating agency.

Responding Officer

- Assess and define the nature of the incident by talking to parties separately – where it is safe and practical - and not in view of one another.
- Determine the presence and status of any weapons and refer to the model policy section on firearms.
- Provide assistance to the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression.
 - Assist the victim to obtain medical treatment if such treatment is required.
 - Notify the victim of the right to file an affidavit for a warrant for arrest.
 - Inform the victim of services available by providing the victim with contact information for Connecticut Safe Connect, to link to a certified domestic violence counselor for help. 1-888-774-2900 or www.ctsafeconnect.org. Help may be accessed through Safe Connect via phone call, live chat, text, or email with a connection to a local domestic violence organization.
 - Provide assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable.
 - Remain at the scene for a reasonable time until; in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.
- Determine whether the offender is the subject of any *Order of Protection or Conditions of Release* that includes “no contact with the victim” or “no use or possession of dangerous instrument or possessing any deadly weapons.”
- Verify that the order and conditions apply to the involved victim and offender.

- Determine whether children are present, that they are safe, and unhurt and complete the following if necessary:
 - If child abuse and/or neglect is suspected, report to DCF by phone [CGS [§17a-101b](#)] and complete form DCF-136. [CGS [§17a-101c](#)]
 - Interview children as witnesses according to circumstances and department policy
 - Consider a trauma informed (forensic interview) when necessary.
 - When possible and appropriate, work cooperatively with the Child and Family Advocate at the regional family violence provider or other mental health and child welfare agencies to identify opportunities to more fully offer children trauma informed services and response at the scene of a family violence incident and develop strategies that measure impact.
 - When Appropriate, consider utilizing the Emergency Mobile Psychiatric Services (EMPS) at the scene.
 - Make arrangements for the child's care if dual custodial arrests are made.
- Do not use children to serve as an interpreter for the adult.
- If abuse and/or neglect of an elderly person or a person with an intellectual disability is suspected complete the required reports and/or notifications.
- Obtain a statement from the victim, and when appropriate, a signed medical release form with the victim's consent.
- Carefully document the condition of the scene.
- When possible, photograph the scene and any visible injuries on the victim.
- When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. [CGS [§46b-38a\(b\)](#) as amended by [PA 18-5](#)]
- Give the victim(s) a "Victim of Crime Card", from the Office of Victim Services containing information about victims' rights and phone numbers for services; [CGS [§46b-38b\(f\)](#)]. (CGS [§54-216](#) permits victims of domestic violence to obtain restitution services from the Office of Victim Services.)
- Officers are strongly discouraged from requesting information about or otherwise investigating or assisting in the investigation of citizenship or residency status of any victim, unless such an inquiry or investigation is required by statute, ordinance, federal regulation, or a court decision. Officers should refer to the uniform enforcement protocol for treating victims of family violence whose immigration status is questionable at http://www.ct.gov/post/lib/post/general_notices/general_notice_10-1.pdf.
- Before leaving the scene, identify the local domestic violence service provider, and help the victim to develop a short-term safety plan.
- Law Enforcement agencies that voluntarily participate in the Lethality Assessment Program should consider, before leaving the scene of an intimate partner incident conduct the Lethality Assessment Program Screen and follow the appropriate protocol according to the results of the screen.
 - Connecticut's Law Enforcement across the state voluntarily engage in this two-prong danger assessment tool to better understand and serve individuals experiencing violence within their intimate relationships. Individuals who are identified as "High Danger" are connected directly to an advocate at the scene of the incident by the officer. Resources to support advocates and officers are available on the www.CTLAP.ORG website.
- Explain to the victim the process for arrest, arraignment, and bond, including the following:
 - The offender will be arraigned on the next available court date.

- Prior to arraignment, the victim can call CT Safe Connect at 1-888-774-2900 or go to www.CTSafeConnect.org 24/7, 365 days/year for support, resources and safety planning, with a connection to a local domestic violence organization.
- On the day of arraignment, the FVVA will provide the victim with accurate information regarding the court process and her/his constitutional rights as a crime victim. The FVVA will represent the victim's wishes to the court. The FVVA will provide information and referrals regarding available community services, register victims for CT SAVIN case notification, assist with applying for Victim Compensation and will help the victim develop a short/long-term safety plan. (*The FVVA will only disclose information as authorized by the victim - otherwise, any information given by the victim to the FVVA is confidential, or that which is required by law.)
- Victim safety is enhanced when she/he has information in regard to the offender's incarceration status. The offender might not be held overnight and may be released shortly after the arrest. A representative of the arresting agency shall provide the victim(s) with the incident case number and appropriate contact information for the investigating agency. Victim(s) are to be encouraged to contact the investigating agency, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate.
- It is highly recommended that in domestic violence incidents or investigations of order of protection violations, that an officer not notify the alleged offender of a pending arrest or offer voluntary surrender. Voluntary surrender should only be offered where there are unusual circumstances related to officer or victim safety, etc. that would warrant the voluntary surrender.
- When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, she/he should request, pursuant to department policies, that the recorded call be preserved, seize the recording as evidence and document the seizure in the incident report.
- Complete, file and forward to the appropriate agencies a Family Violence Offense Report, DPS-230-C, to include the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP) (Electronic versions of the DPS-230-C must be printed and sent to the Crimes Analysis Unit).
- Document any visible injuries within the report.
- Document any verbal statements made by the victim(s), offender, or witnesses and distinguish the statements with quotes where appropriate.
- Initiate a BOLO (Be On the Lookout) for the offender if probable cause for an arrest is developed and the offender has left the scene and complete a signed/sworn report/affidavit to support the arrest in the event the offender is located and arrested.
- The provisions of [CGS §46b-38b](#) shall not apply to persons who are, attending an institution of higher education and presently residing together in on-campus housing or in off-campus housing that is owned, managed or operated by the institution of higher education or its agent, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E), or (F) of Subdivision (2) of section 46b-38a, or presently residing in a dwelling unit, as defined in [CGS § 47a-1](#), and making payments pursuant to a rental agreement, as defined in [CGS § 47a-1](#), provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b 38a. [[CGS §46b-38b \(j\)](#) as amended by [PA 19-189](#)]

If unsure of how to proceed in any situation, seek guidance from the supervisor.

Supervisor

- It is recommended that the supervisor conduct a probable cause review at the scene (when necessary and feasible) and/or at booking and review all arrests, dual arrest situations, and self-defense issues.
- Ensure that all reports, including the Family Violence Offense Report, DPS-230-C are properly completed, filed, and forwarded to the Crimes Analysis Unit on a recommended monthly basis. (Crimes Analysis accepts faxed, emailed, or mailed hard copies.)
- Ensure that follow-up investigative responsibilities, victim safety, and offender release considerations are coordinated to allow for shift changes and/or referral to specialized units.
- Upon approval from the court, expedite the arrest warrant execution.
- Be aware that pursuant to CGS §54-63c(a), any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear (PTA).
- Conditions of release for family violence should be set by the duty supervisor [CGS §54-63c(b)] or the bail commissioner [CGS §54-63d(c)]. Either the duty supervisor or the bail commissioner should enter or ensure that a File 20 has been entered into NCIC, with the appropriate conditions/restrictions listed.
 - If the defendant fails to appear in court on their initial assigned court date, Family Services will send the arresting agency the “Police Notification – Family Violence Defendant Failure to Appear at Initial Hearing Date” JD-FM-277 form advising of such. The arresting agency should consider modifying the conditions of release expiration date until the defendant appears in court.
- The shift supervisor is responsible for setting bail after arrest. In the rare instance when a Bail Commissioner reduces the bond set by law enforcement, a shift supervisor, who has concern for the safety of the victim, may contact the State’s Attorney within the jurisdiction, who in turn may authorize the police department to delay release on the Bail Commissioners recommendation until the arraignment. [CGS §54-63d(d)].
- Each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously review and oversee the Police Response to Crimes of Family Violence Model Policies, Procedures, and Guidelines and to enhance such agency’s response to victims, community, and court personnel with respect to family violence.

Each law enforcement agency shall annually (on or before July 1) submit the *Survey to Determine Compliance with the State of Connecticut Family Violence Model Policy* form [DESPP -231-C] to the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP), regarding the law enforcement agency's compliance with the Connecticut Family Violence model policy. [CGS §46b-38b(e)(4)]

VI. ARREST GUIDELINES

General Considerations

- Except as provided in subsection (b) and (c) of this section, whenever an officer determines upon speedy information that a family violence crime, as defined in CGS §46b-38a(3), has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime(s). [CGS §46b-38b(a)]

- The FVPRA does not alter standards for arrest. Traditional constitutional and statutory standards, including [CGS §54-1f](#) guidelines, should direct decisions and procedures for making and processing family violence arrests. An officer must determine that probable cause exists for any charge which forms the basis for an arrest.
- When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. [[CGS §46b-38b\(b\) as amended by PA 18-5](#)].
- In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence,
 - whether one person acted in defense of self or a third person
 - the relative degree of any injury
 - any threats creating fear of physical injury
 - and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer.
- The peace officer shall arrest the person whom the officer believes to be the dominant aggressor.
- No officer investigating an incident of family violence shall threaten, suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party. [[CGS §46b-38b\(b\)](#)]
- An officer should emphasize to the parties the criminal nature of family violence and that the criminal action is being initiated by the State, not the victim.
- An officer can choose to make a custodial arrest, a summons arrest, or, in limited situations, may apply for an arrest warrant. Determination of which type of arrest to pursue should include careful consideration of imminent safety concerns for the victim and her/his children.
 - Whether or not an accused posts bond, he or she shall be scheduled for arraignment before the superior court for the geographic area where the offense is alleged to have been committed on the next regularly scheduled day of court business. [[CGS §54-1g](#)]
 - If an arrested person is hospitalized, or has escaped or is otherwise incapacitated, the person shall be presented, if practicable, to the first regular sitting after return to police custody.

Prohibited Considerations

- Pursuant to [CGS §46b-38b\(a\)](#) the decision whether to arrest an offender *shall not* be influenced by the following:
 - *The specific consent of the victim*
 - *The relationship between persons suspected of committing a family violence crime* -
- The seriousness of crimes committed between family or household members is not mitigated because of the relationships, living arrangements or genders of those involved.
 - *Solely on the request of the victim.*
- In addition to the statutory considerations above, the following considerations should not influence the decision to arrest an offender:
 - *The fact that civil proceedings such as separation, divorce or custody disputes are pending.* -- Pending civil action does not preclude a thorough investigation and arrest if probable cause exists. Officers should not assume parties are using claims of domestic violence to gain advantages in civil actions. It is well documented that violence escalates when victims take steps to seek protection and/or to leave a violent relationship.

- *The victim's previous unwillingness to participate in the complaint or arrest process.* -- Often, a victim may be immobilized by fear. Officers should treat each incident with equal importance. There is no way to tell, for example, when a victim may be in more danger or when an abusive partner may become more violent.
- *The number or frequency of calls for police assistance at a particular location.*--It is well documented that the level of violence may increase over time and escalate significantly when a victim seeks assistance.
- *The victim's wishes to not have the suspect arrested.* -- Officers should emphasize that criminal action is being initiated by the state, not the victim.
- *Assurances from the offender that the violence will cease.* -- If probable cause for an arrest exists the officer must proceed accordingly.
- Pursuant to PA [19-43](#), law enforcement agencies shall redact the name, address or other identifying information of any victim of sexual assault, voyeurism, injury or risk of injury, or impairing of morals, or family violence, or witness thereof, as defined in section 46b-38a, or of an attempt thereof, from any arrest record released to the public.

Jurisdiction

Misdemeanor Arrests

- An officer (who does not have statewide jurisdiction) may arrest for misdemeanor crimes only within the geographical boundaries of the territory covered by his/her department, with two exceptions:
 - An officer may arrest outside of his/her jurisdiction anywhere within Connecticut if there is probable cause based on "speedy information" that the crime(s) occurred within his/her jurisdiction and the officer is in immediate pursuit of the suspect. [CGS [§54-1f\(c\)](#)]
 - An officer may arrest anywhere within Connecticut if his/her department holds a valid arrest warrant for the accused.

Felony Arrests

- An officer may arrest anywhere within Connecticut if s/he has probable cause to believe the suspect has committed a felony.
- "Speedy information" is not required for a felony arrest; however, absent speedy information, it is recommended that the officer obtain an arrest warrant unless there is a concern for safety and/or flight.
- A criminal violation of an order of protection is a felony crime, and could be deemed to impact the safety of the victim. If a warrantless arrest is not made, an arrest warrant application and an execution of a warrant should be expedited.

Warrantless (On-Site) Arrest Considerations

- CGS [§54-1f](#) authorizes an officer to arrest, without previous complaint and warrant, any person for any offense (felony or misdemeanor) that occurred within his/her jurisdiction, when the person is taken or apprehended in the act or on the "speedy information" of others.
- "Speedy Information" is information received during the course of or promptly after the commission of the crime and is of such character that the officer has reasonable grounds to accept it as true. Whether such information constitutes speedy information depends on two considerations:
 - How proximate in time the information is to the crime; and
 - Whether the officer was justified in accepting the information and relying on it. (It is the officer's responsibility to check the truthfulness, reliability, and basis of knowledge of the person providing the information).

Warrant Arrest Considerations

- In family violence cases, an arrest warrant should be sought only in limited circumstance, such as:
 - When further investigation is needed to establish probable cause (i.e. self-defense, etc.);
 - When the offender cannot be located pursuant to speedy information;
 - For a misdemeanor arrest when there is no speedy information; and
 - For a felony arrest when there is no speedy information, unless there is a concern for safety and/or flight. A criminal violation of an order of protection is a felony crime and should be deemed to impact the safety of the victim.
- Once an officer has determined that probable cause exists, an arrest warrant should be sought as soon as possible.
- If a warrant must be sought in any incident involving the use or threatened use of a weapon (electronic defense weapon or firearm), an officer should expedite the application for an execution of the arrest warrant.
- All crimes for which probable cause exists should be charged and the facts supporting each charge, including violence or threats of violence, should be detailed in the warrant.

VII. DUAL COMPLAINTS, DOMINANT AGGRESSOR, AND SELF-DEFENSE

In family violence situations, it is not uncommon for the victims of family violence to defend themselves from abusive partners. It is also not unusual for offenders to claim that they were acting in self-defense in an effort to justify their violent or threatening act or to attempt to punish the victim for summoning law enforcement. As a result, when officers respond to complaints of family violence they often face dual complaints from multiple parties. Such situations require responding officers to investigate each complaint separately and determine if either party used force as a means of self-defense.

As discussed previously in the **General Considerations** section, [The FVPRA] [CGS §46b-38b\(a\)](#), requires, in part, that; “*whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime.*” This cited section of the statute provides the basis for what is commonly referred to as the “*mandatory arrest policy*” that is central to Connecticut’s family violence laws. The statute also directs the response of law enforcement when dealing with dual or multiple complaints and claims of self-defense in family violence cases, which may provide an exception to the “mandatory arrest policy.”

Dual Complaints and Dominant Aggressor

When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor. [CGS §46b-38b(b) as amended by [PA 18-5](#)].

If a peace officer believes probable cause exists for the arrest of two or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, such peace officer may submit a report detailing the conduct of such person during the incident to the state's attorney for the judicial district in which the incident took place for further review and advice. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests. [CGS §46b-38b(c) as amended by [PA 18-5](#)].

No peace officer investigating an incident of family violence shall threaten, suggest or otherwise indicate, the arrest of all persons involved in such incident for the purpose of discouraging any request from a person for law enforcement intervention. [CGS §46b-38b(d) as amended by [PA 18-5](#)].

No peace officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a family violence incident for (1) an arrest based on probable cause; [or for] (2) any conditions of release imposed pursuant to subsection (b) of section 54-63c; or (3) determinations made pursuant to subsection (b) or (c) of this section. [CGS §46b-38b(e) as amended by [PA 18-5](#)].

Officers should be aware that, given the nature of family violence, a victim may be afraid to make true and accurate statements regarding the incident due to fear of further violence by an abusive partner. Each complaint must be carefully and thoroughly investigated prior to making an arrest decision to ensure that victims will not be re-victimized by the legal system, or made to fear police intervention. An arrest itself can be particularly traumatic for victims of family violence.

The FVPRA requires officers to arrest a person only if there is probable cause to believe that person committed a family violence crime. Officers are prohibited from threatening, suggesting or otherwise indicating the arrest of all parties involved in an incident of family violence for the purpose of discouraging requests for law enforcement intervention by any party. [CGS [§46b-38b\(d\)](#)].

Dual arrests should be made only when probable cause exists to charge each party with a crime, unless the dominant aggressor has been identified or a request will be made to have the case reviewed by a state's attorney, [CGS §46b-38b(c) as amended by [PA 18-5](#)]. In some instances, officers may receive dual complaints, but thorough investigation may only establish probable cause to arrest one of the parties. In other instances, there may be probable cause to arrest one party for a family violence crime and the other for a non-family violence charge, such as interfering with an officer. This does not constitute a dual arrest. Officers should thoroughly document in the report all claims and complaints, as well as any facts and/or circumstances that either corroborate or disprove the claim or complaint. An officer should determine what type of arrest is necessary and appropriate under the circumstances, e.g., a misdemeanor summons arrest, a custodial arrest, or, in limited situations, a later arrest by warrant.

Self-Defense

In determining which person is the dominant aggressor, the peace officer shall consider whether... if one person acted in defense of self or a third person.... [CGS §46b-38b(b) as amended by [PA 18-5](#)].

Determining whether or not a person is criminally liable when allegedly acting in self-defense can often be a complex legal issue. This section is not intended to be a complete, exhaustive summary of the law regarding self-defense, but rather, is an aid to responding officers in determining whether an arrest may or may not be required under the existing family violence statutes. If an officer is unsure how to proceed in a situation involving self-defense and/or dual complaints, the officer should contact a supervisor and/or state's attorney.

The law in Connecticut recognizes that the use of physical force upon another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances. *CGS §53a-19* is applicable in the context of family violence crime and addresses such circumstances.

C.G.S §53a-19. Use of physical force in defense of person:

This statute defines self-defense and the defense of others. In pertinent part, it provides that *“a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.*

There are, of course, exceptions to the use of such physical force in defense of a person. For example, *“a person is not justified in using physical force when (1) . . . he provokes the use of physical force by such other person, or (2) is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force . . .”* and *“a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling . . .”*

- Essentially, the statute requires that, before a person uses physical force in self-defense or to defend a third person, she/he must have two "reasonable beliefs."
 - 1) The first is a reasonable belief that physical force is being used or about to be used upon her/him or another.
 - 2) The second is a reasonable belief that the degree of force she/he is using to defend her/himself is necessary for that purpose.
- When attempting to determine whether or not a person was justified in using self-defense and therefore not subject to the mandatory arrest provisions of the law, the responding officer must make his or her own judgments about the reasonableness of these “beliefs”. In making these judgments the officer must first consider:
 - 1) The situation from the perspective of the person acting in self-defense; that is, what did the person actually believe, and - because the statute requires that the defendant's belief be reasonable, and not irrational or unreasonable under the circumstances, and
 - 2) Whether a reasonable person in the defendant's circumstances could have reached that belief.
- The analysis can be broken down into 4 steps or elements:
 - 1) That the actor actually believed that someone else was using or about to use physical force against her/him or a third person;
 - 2) That such belief was reasonable because a reasonable person in the actor’s circumstances would have shared that belief;
 - 3) That the actor actually believed that the degree of force that she/he used was necessary to repel the attack;

- 4) That such belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.

VIII. "OFFICER-INVOLVED" DOMESTIC VIOLENCE INCIDENTS

Police departments must recognize that the law enforcement personnel, whether sworn or civilian, are not immune from committing domestic violence against their intimate partners or being victims of domestic violence. Although no person is exempt, whatever his or her occupation, from the consequences of his or her actions that result in a violation of the law, the dynamics between the responding and accused officers have the potential for making on-scene decisions additionally difficult. The following incident and response protocols are critical components to the integrity of the law enforcement profession and the trust of the community.

Sworn Personnel from an Outside Agency

- If an officer from another police agency is involved in a family violence incident and probable cause exists for the officer's arrest, the officer shall be arrested.
- The highest-ranking on-duty shift supervisor shall notify the officer's agency as soon as possible, but no later than by the end of the Supervisor's shift.

Sworn Personnel from within the Law Enforcement Agency

- If an officer from a law enforcement agency is involved in a family violence incident and probable cause exists for the officer's arrest, the officer shall be arrested.
- The highest-ranking on-duty Shift Supervisor shall notify or cause to be notified the following personnel:
 - Chief of Police,
 - Command Duty Officer,
 - The Officer's Division Commander, if different from the Command Duty Officer, and
 - Internal Affairs, when such division exists.
- The family violence incident will be criminally investigated by an officer at least one (1) rank higher than the officer involved in the incident.
 - The investigating officer shall ensure that the agency complies with the policy provisions of section *V. Recommended Response Procedures: Responding Officer* and [CGS §46b-38b\(d\)](#).
- An Internal Affairs investigation will be conducted during or upon the conclusion of the criminal investigation if such a division exists within the law enforcement agency.
- If a court order (i.e. restraining order (includes ex-parte order), protective order, or a foreign order of protection) is issued against the officer, the following will be done:
 - The officer shall surrender all law enforcement agency issued firearms to the Chief of Police or his/her designee,
 - The officer shall be prohibited from carrying a firearm while the order of protection is in force and effect.
- Further, in accordance with Connecticut General Statutes, the officer shall:
 - Surrender all pistols, revolvers, other firearm(s), ammunition and/or electronic defense weapon(s) to the Commissioner of Emergency Services and Public Protection (DESPP) or any local police department, or;
 - Transfer via sale all pistols, revolvers, other firearm(s), and ammunition to a federally licensed firearms dealer, as required by ([CGS §29-36k](#)) and provide the Chief of Police or his/her designee with the proof of this requirement.

- If the officer possesses a state permit or a temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate he/she shall surrender the permit/certificate(s) to the State of Connecticut Department of Emergency Services and Public Protection, Division of State Police. (CGS [§29-36k](#)).
- If the officer possesses an issued pistol permit from his/her agency, he/she shall surrender the permit to the Chief of Police within the guidelines of the court order.
- The Chief of Police or his/her designee may:
 - Suspend the officer without pay.
 - Assign the officer to administrative duties.

IX. ORDERS OF PROTECTION (OOP)

(Please also see Reference Chart at the end of this Document)

Implicit in the issuance of an OOP is a court's finding that a named protected party(ies) is in imminent danger or risk of harm, from a named, identified respondent. In the interest of immediacy, and in light of the threat always present when an order of protection is violated, coupled with the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated a restraining order (including ex-parte order), protective order, standing criminal protective order, a foreign order of protection, or the Conditions of Release.

Once probable cause for arrest has been established and if the offender has left the agency's jurisdiction, the Officer shall notify the dispatcher to advise neighboring jurisdictions or jurisdictions where the offender is believed to have fled, that there is probable cause to arrest the offender and to do so if the offender is located, and complete a signed/sworn report/affidavit to support the arrest. The investigating Department, as soon as practical, shall prepare an arrest warrant at this juncture.

- The officer's authority and mandates to arrest are set forth in CGS [§46b-38b](#), and [§54-1f](#).
- A very important role for law enforcement in family violence cases is the enforcement of *Orders of Protection*. Police should make use of the Connecticut Protective Order Registry – File 20.
- Officers should be aware that the words “**Orders of Protection**” generally could refer to any type of order. Most especially, in the federal law regarding interstate enforcement of *orders of protection*, the reference is general--not specific as to any one of Connecticut's types of such orders. Officers should be aware that each state has its own type(s) and titles of order(s) that may or may not be equivalent to one or any of Connecticut's orders.
- Connecticut has several types of *orders of protection* available for victims of family violence, including:
 - Restraining Order (RO) (includes Ex-Parte Order)
 - Protective Order (PO)
 - Civil Protective Order (includes Ex-Parte Order)
 - Standing Criminal Protective Order (SCPO)
 - Foreign Orders of Protection
 - Conditions of Release (COR) (that include “no contact with the victim” and “not to use or possess dangerous instruments or possessing any deadly weapons.”)
 - Family Court Orders
- Each type of order has specific characteristics, requirements for issuance and penalties for violation. See Appendix for a *Comparison of Orders of Protection* chart that summarizes and compares the types of orders, how they are issued, what they may include and how they are enforced. Officers should fully understand all aspects of each type of order.
- It is important for police officers to understand and always remember that *orders of protection* are issued by the court, against the offender, for the protection of the victim. They restrict the offender's behavior and *only* the offender can violate the orders. (See CGS [§53a-223](#), [§53a-223a](#) and [§53a-223b](#), regarding immunity for persons protected by an order of protection.)
- **Standard conditions** in an OOP or a SCPO (CGS [§54-1k](#)) may include provisions enjoining the offender from:
 - Imposing any restraint upon the person or liberty of the victim;
 - Threatening, harassing, assaulting, molesting or sexually assaulting the victim; and
 - Entering the family dwelling or the dwelling of the victim.

- A judge (pursuant to CGS [§54-64a](#)) or a bail commissioner (pursuant to CGS [§54-63d](#)) can impose on any person charged with a felony, misdemeanor or motor vehicle violation for which a term of imprisonment may be imposed a **Condition of Release** that she/he have “*no contact with the victim*” in that case. A person who intentionally violates that condition should be arrested for Violation of a Condition of Release. [CGS [§53a-222](#) or [§53a-222a](#)]
 - **Special conditions** that a judge may order in an OOP include, but are not limited to:
 - No direct or indirect contact with the victim; and
 - Not to go or remain within a specific distance of the victim.

Domestic Violence Alert Notification/GPS Program

The State of Connecticut Judicial Branch has a GPS monitoring program (*Alert Notification/GPS*) in Bridgeport, Danielson and Hartford courts to first alert and secure the safety of the victim and then assist law enforcement with attempting to locate and apprehend the offender. THIS ALERT NOTIFICATION SYSTEM IS DIFFERENT FROM THE PAROLE AND PROBATION ELECTRONIC MONITORING OF OFFENDERS IN THE COMMUNITY.

- Offenders that have a history of violating court orders and/or who pose a risk of harm to a protected person(s) can be ordered by a judge to wear a GPS equipped ankle bracelet.
- Specific locations are identified as restricted areas (i.e. the protected persons home, workplace, school, etc.) and the offender is instructed to avoid a 2500 foot area surrounding those areas.
- Alerts:
 - An alert is triggered if: 1) The offender breaches one of the restricted areas, 2) the ankle bracelet is tampered with, 3) the battery is not charged or, 4) a GPS signal cannot be located
 - If an alert is triggered, the GPS monitoring company will:
 - Notify the protected person(s) and advise them to activate a pre-established safety plan.
 - Notify the appropriate law enforcement jurisdiction and:
 - Provide the location and direction of travel of the offender and/or other pertinent information.
 - Provide information that will assist responding officers in locating the protected person.
 - Stay on the line with telecommunication personnel if the offender continues to advance towards a protected person(s) and provide a call back number for follow-up.
- Officers dispatched to an Alert Notification/GPS should:
 - Locate and ensure the safety of the protected person(s).
 - With due caution - attempt to locate the offender.
 - Determine the reason(s) for the notification.
 - If probable cause is established that the terms of an existing order of protection have been violated - arrest the offender on speedy information if located or apply for an arrest warrant if the offender cannot be located.
 - Document all information in an incident report.

Domestic Violence Personal Property Retrieval

- When a judge issues an order enjoining the offender from entering his/her family dwelling, the offender likely will be advised that she/he may contact the police for a one-time escort to retrieve personal belongings.

- When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by an officer, to retrieve belongings:
 - Initiation of the retrieval shall be at the discretion of the agency in a time period that is reasonable and practical.
 - The officer must verify the order.
 - The officer must check to ensure that the retrieval has not already been completed by another officer. The officer must contact the protected party to arrange a time for the retrieval.
 - If the officer is unable to make contact with the protected party, or if children are present, the retrieval should be scheduled for a later date/time.
 - The officer is to accompany the respondent throughout the entire retrieval. If they wish to do so, the protected party should be allowed to accompany the officer and respondent during the retrieval.
 - The retrieval should last no longer than 10 to 15 minutes, as the respondent is only retrieving essentials (clothes, toiletry, medication, etc.). Other non-essential or valuable items used by the protected party and/or children (groceries, electronics, jewelry, furniture, etc.) are not to be removed from the dwelling.
 - The officer must document that the retrieval has occurred in a CAD or incident supplement. If a call comes in as something other than a retrieval, such as request for officer, etc., the incident must be changed to “Retrieval.”
 - The protected party must have prior notice by the department, and must agree to the timing of the retrieval.
 - The respondent must not be allowed to use this as a means of harassing the protected party.
 - If it is not practical or safe for the victim to accompany the officer and the offender during the property retrieval, the officer shall review with the victim, before the officer or the offender leave the premises, what essential items the offender is seeking to remove from the residence.

Multiple Orders

- In some situations, a victim may obtain a RO and a PO to get all the court ordered protection available. A victim has a right to apply for a RO even if a PO has already been issued. There is nothing in the RO or PO statutes to prohibit a victim from having both orders.
- In situations where there are multiple orders of protection the officer should:
 - Verify that the order and conditions apply to the involved victim and offender and;
 - Document the existence of and issuance date of all orders in their incident report and;
 - Arrest the offender for any and all valid violations of such orders.

Verification of an Order of Protection

- A violation of any OOP is a felony to include:
 - Protective Order (CGS §[53a-223](#)).
 - Standing Criminal Protective Order (CGS §[53a-223a](#)).
 - Restraining Order (includes ex-parte order) (CGS §[53a-223b](#))
 - Foreign Order of Protection (CGS §[53a-223b](#)).
 - Civil Protective Order (CGS §[53a-223c](#)).
- A violation of Conditions of Release can be either a felony (CGS §[53a-222](#)) or misdemeanor (CGS §[53a-222a](#)) based on the original underlying charges.
- Any law enforcement officer may enforce any OOP where they have a good faith basis to believe it is valid.

- The best way to verify an OOP is to check with the Connecticut Registry of Protective Orders– File 20.
- Other methods may include;
 - Asking the victim if she/he has a copy of the order.
 - Contacting the issuing court.
 - Contacting the police agency with jurisdiction where the victim resides/works.
 - Contacting the police agency with jurisdiction where the offender resides.

X. WEAPONS

Effect of a Court Order of Protection (OOP)

Possession – Definition CGS §53a-3(2): to have physical possession or otherwise to exercise dominion or control over tangible property.

- When the state marshal service receives an ex-parte order issued by the court that indicates that the respondent holds a;
 - Permit to carry a pistol or revolver;
 - An eligibility certificate for a pistol or revolver;
 - A long gun eligibility certificate;
 - An ammunition eligibility certificate or;
 - Possesses one or more firearms or ammunition.
- The marshal service shall;
 - Whenever possible, provide in hand service of the order to the respondent.
 - Notify the law enforcement agency for the town in which the service will take place.
 - Provide such agency a copy of the application, the applicant’s affidavit, the ex-parte order, and the notice of hearing.
 - Request a police officer from such agency be present when service is executed.
 - When possible and consistent with all other provisions of this policy, the law enforcement agency may consider sending an officer to accompany the state marshal during the service of the ex-parte order.
- Immediately, but not later than 24 hours after notice has been provided to a person subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection (CGS §29-36k(a)) such person must:
 - Transfer/sell to a federally-licensed firearms dealer, any pistols, revolvers, other firearms and/or ammunition in his/her possession. (CGS §29-36k(a)(1), or
 - Deliver or surrender such pistols, revolvers, other firearms and ammunition to the Commissioner of Emergency Services and Public Protection or any local police department. [CGS §29-36k(a)(2)]
- Person’s subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection are prohibited from possessing a pistol, revolver, other firearm, ammunition or an electronic defense weapon. [CGS §53a-217]
- Persons subject to a Condition of Release “no use or possession of a dangerous weapon” are prohibited from possessing or using any dangerous instruments or possessing any deadly weapons. [CGS §53a-222 or §53a-222a].
- Refer to *section XI, Federal Domestic Violence Laws*, section regarding federal law, which prohibits the possession of firearms or ammunition by any person, including a police officer, who has been convicted in any court of a family violence crime (a family violence crime that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon), including a misdemeanor family violence crime.

- Upon the surrender of any firearms or ammunition or if the offender indicates that he/she is not in possession of, nor does he/she have access to, any firearms or ammunition and there is no other evidence to suggest the contrary, consider having the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) indicating same.

Permit to Carry

- The issuing authority of a state permit or temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate must revoke the permit and/or certificate(s) if the person holding the permit/certificate(s) becomes subject to an order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- Within five days of receiving written notice that a permit/certificate has been revoked, the holder of the permit/certificate must surrender the permit/certificate to the issuing authority. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- If an offender does not surrender the permit/certificate, he/she should be arrested for any of the following that apply;
 - Failure to Surrender Permit to Carry a Pistol or Revolver (CGS [§29-32](#)); or
 - Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS [§29-36i](#)), or
 - Failure to Surrender Long Gun Eligibility Certificate (CGS [§29-37s](#)); or
 - Failure to Surrender Ammunition Certificate (CGS [§29-38p](#)); and
 - The permit/certificate should be confiscated and immediately forwarded to the Commissioner of the Department of Emergency Services and Public Protection. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- Any local issuing authority that revokes a permit must notify the Commissioner of the Department of Emergency Services and Public Protection of the revocation, and any revocation of a state permit by the Commissioner of the Department of Emergency Services and Public Protection requires notification of the local issuing authority. [CGS [§29-32](#)]

Seizure of Firearms at the location of a Family Violence Crime (Safekeeping Provision)

Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm, ammunition, or electronic defense weapon at the location where the crime is alleged to have been committed that is in the possession of the offender/suspect or that is in plain view. [CGS [§46b-38b\(a\)](#)]. Refer to CGS [§53a-3](#) – *Definition of Possession*. Any firearm seized under this section must be returned in its original condition within seven (7) days to its rightful owner unless such person is ineligible to possess the firearm or unless otherwise ordered by the court. Any questions regarding the return of weapons seized under this section should promptly be directed to the state's attorney.

Use or Threatened Use of Weapon in a Family Violence Crime

In responding to family violence incidents, officers shall investigate and arrest in accordance with relevant Connecticut Statute [§46b-38b](#). If an officer has probable cause to believe that a person used or threatened to use a weapon in the commission of any family violence crime(s) that person should be arrested for all appropriate crimes and the weapon should be seized as evidence of the crime(s).

Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver

Arrests for criminal possession...

- 1) Any offender that knows that she/he is subject to a Restraining Order, (includes ex-parte order), Protective Order, Standing Criminal Protective Order or Foreign Order of Protection issued by the court, in a case involving the use, attempted use or threatened use of physical force against another person, or
 - 2) has been convicted of a felony; or
 - 3) has been convicted of a Misdemeanor committed on or after October 1, 1994 (pistol and revolvers); on or after October 1, 2013 (other firearms, ammunition, electronic defense weapons) as identified in CGS [§53a-217](#) and [§53a-217c](#); or
 - 4) is subject to any other firearms prohibitions as defined in CGS [§53-217](#) and [§53a-217c](#); and
 - 5) is in possession of any firearm, ammunition, electronic defense weapon, pistol or revolver,
- should be arrested for Criminal Possession of a Firearm or Electronic Defense Weapon (CGS [§53a-217](#)) if found in possession of any firearm, ammunition, electronic defense weapon; or
 - Criminal Possession of a Pistol or Revolver (CGS [§53a-217c](#)) if found in possession of any pistol or revolver; and
 - The weapon(s) and/or ammunition should be seized as evidence of the crime.

Seizure of Firearms from Person Posing Risk to Self or Others (Risk Warrant)

A judge may issue a search and seizure warrant to search for and take custody of any firearms when any two officers (or any prosecutor) complain on oath that there is probable cause to believe that (1) a person poses a risk of imminent personal injury to him/herself or to other individuals, and (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person. [CGS [§29-38c\(a\)](#)]

Police officers should consider this option when investigating incidents of family violence.

XI. FEDERAL DOMESTIC VIOLENCE LAWS

The possible or potential applicability of any of the federal family violence laws discussed in the following material does not preclude an officer's responsibility to comply with Connecticut's family violence laws and mandatory arrest provisions, as Connecticut and federal law can have concurrent jurisdiction.

The Federal Violence Against Women Act (VAWA) makes criminal certain actions in family violence situations. Several provisions of that Act which may arise during the investigation of family violence situations by Connecticut police officers are described below.

If an officer believes that a person may have violated a provision of VAWA, he/she should discuss the facts of the investigation with a supervisor and/or States Attorney for referral and review by an Assistant United States Attorney who will determine whether the situation warrants prosecution on federal charges.

The offices of the United States Attorney for the District of Connecticut are located at:

Office of the United States Attorney
157 Church Street New Haven, Connecticut
06508 (203) 821-3700

Summary of Applicable VAWA Sections

Full Faith and Credit: [Title 18 USC §2265](#) and [§2266](#)

- Requires states and Indian tribes to enforce orders of protection issued by foreign states and Indian tribes as if the orders had been issued by the non-issuing, enforcing state or Indian tribe.
- A valid order of protection is defined as an order of protection that was issued by a court with jurisdiction over the parties and matter under the laws of such state or Indian tribe and in circumstances where the defendant was given reasonable notice and the opportunity to be heard sufficient to protect the defendant's due process rights.
- The provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final protection orders issued by civil and criminal courts (other than support or child custody orders). In other words, it extends to temporary and final, civil and criminal orders of protection.
- The provision states that officers should enforce out-of-state orders of protection that are presented to them if the order appears valid on its face, i.e., it contains both parties' names and has not yet expired. The provision further states that even if the out-of-state order is uncertified, it should be enforced if it meets the requirements of facial validity.

Disposal, Receipt or Possession of a Firearm: [Title 18 USC §922\(d\)](#) and [\(g\)](#)

- Section 922(d)(8) prohibits the knowing transfer of a firearm to a person who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child. Section 922(g)(8) prohibits the possession of a firearm by persons subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

- Section 922(g)(9) prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a family violence crime (a family violence crime that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon), including a misdemeanor family violence crime.

Interstate Domestic Violence: [Title 18 USC §2261\(a\)\(1\)](#)

- Prohibits the travel across state lines or the leaving or entering of Indian Territory with the intent (at the time of the crossing) to injure, harass, or intimidate a spouse or intimate partner. This provision is violated when a person, after the crossing, then intentionally commits a violent crime or causes a bodily injury.

Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud: [Title 18 USC §2261\(a\)\(2\)](#)

- Violation of this provision occurs when the defendant by force, coercion, duress or fraud, causes a spouse or intimate partner to cross state lines (or leave or enter Indian Territory) and in the course or as a result of that conduct, intentionally commits a crime of violence. Bodily injury to the victim is also required.

Interstate Stalking: [Title 18 USC §2261A](#)

- Prohibits travel across a state line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, when in the course of, or as a result of, such travel, the person is placed in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's family.

Interstate Violation of a Protective Order: [Title 18 USC §2262](#)

- This provision is violated when a person travels across state lines or leaves or enters Indian territory with the intent to engage in conduct that (A) (i) violates the portion of a PO that protects against credible threats of violence, repeated harassment, or bodily injury; or (ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the PO was issued; and (B) subsequently engages in such conduct.

XI. COMPARISON OF ORDERS OF PROTECTION¹ Current to 2019

No individual who is listed as a protected person on any order may be liable for: (1) soliciting, requesting, commanding, impertuning, or intentionally aiding in the violation of the order; or (2) conspiracy to violate such order.

| Protective Orders and Restraining Orders | | | | |
|--|---|--|--|--|
| Type of Order | How the Order is Made | How Long the Order Lasts | Provisions that May Be Included | Violations |
| <p>Protective Order (PO) (C.G.S. §46b-38c) (C.G.S. § 54-1k)</p> | <ul style="list-style-type: none"> ➤ Issued by a judge in a criminal case, usually at the time of arraignment. ➤ There is no cost to the victim. ➤ Victim may not want a PO or even know the PO has been issued. ➤ Offender, not the victim, is responsible for upholding order. ➤ Is a condition of the offender's release. | <ul style="list-style-type: none"> ➤ Duration of the criminal court case. ➤ Until criminal case ends ➤ Judge may modify or terminate at any time, without victim knowing. ➤ May continue during probation [CGS §53a-28(f)] ➤ Check with Protection Order Registry | <ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/ residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. May include animals. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. | <ul style="list-style-type: none"> ➤ Criminal Violation of a Protective Order [C.G.S. §53a-223] (D Felony) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of a victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of PO. |

¹ The orders outlined in this chart are not mutually exclusive. A family violence victim could have more than one valid order from the same category or more than one valid order from multiple categories in effect at the same time (i.e. two protective orders, a protective order and a restraining order, etc.). Law enforcement must enforce the strictest provisions of any and all valid orders.

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| <p>Restraining Order (RO) (C.G.S. §46b-15)</p> <p>Includes Ex-Parte order</p> | <ul style="list-style-type: none"> ➤ Victim files an “Application for Relief from Abuse” in the Family Division of Superior Court (civil court). ➤ Ex-parte order may be granted by judge. Hearing on order scheduled within 14 days. ➤ Victim must ensure that offender is “served” with notice of hearing. ➤ Offender, not the victim, is responsible for upholding order. ➤ There is no cost to the victim (for filing or service). | <ul style="list-style-type: none"> ➤ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance. ➤ 7 day hearing if firearms, permit, eligibility certificate disclosure. ➤ Marshal/PD service in hand when possible. ➤ At hearing, judge can extend the order for 1 year with possible extension beyond 1 year. ➤ If victim wants to extend order beyond initial 1 year term, must file a motion at least 12 days prior to expiration. ➤ Order will not end prior to the expiration date without the victim being notified. ➤ Check with Protection Order Registry. | <ul style="list-style-type: none"> ➤ Same provisions as in Protective Orders (above). ➤ May include custody orders. ➤ May include financial conditions for spouse (ex)/dependent children, living together (i.e. utilities, insurance, mortgage, rent, support). ➤ No disposal of property, documents, keys, ID. ➤ Must surrender weapons immediately, but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. | <ul style="list-style-type: none"> ➤ Criminal Violation of a Restraining Order (C.G.S. §53a-223b) (D Felony) ➤ Unless violation includes, imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of RO. ➤ Victim also can file a Motion for Contempt in court where order was issued. ➤ Violation of financial conditions is NOT a criminal violation; explain option to file Motion for Contempt |
| | <ul style="list-style-type: none"> ➤ Issued by a criminal court judge at the time of sentencing. | <ul style="list-style-type: none"> ➤ Orders issued prior to Oct. 2010 could last indefinitely. | <ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the | <ul style="list-style-type: none"> ➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. §53a-223a) (D Felony) |

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| <p>Standing Criminal Protective Order (SCPO) (C.G.S. §53a-40e)</p> <p><i>AKA: Standing Criminal Restraining Order (pre-Oct. 1, 2010)</i></p> <p><i>Permanent Protective/Restraining Order</i></p> | <p>➤ Can only be issued if offender is convicted of:</p> <ul style="list-style-type: none"> ▪ Violation of enumerated offenses; or ▪ Any crime the court determines to be family violence; or, ▪ Any other crime for good cause shown. <p>➤ No cost to victim.</p> <p>➤ Victim may not want a SCPO or even know the SCPO has been issued.</p> | <p>➤ Orders issued post Oct. 2010 shall remain in effect for any duration specified by the court at the time of sentencing.</p> <p>➤ Orders can be modified and/or terminated without notice to or consent of the victim.</p> | <p>protected person (partial/limited order).</p> <p>➤ Offender must stay away from the protected person's home (full/residential stay-away order).</p> <p>➤ Offender to have NO CONTACT with victim.</p> <p>➤ Offender to remain 100 yards away from victim.</p> <p>➤ Order may extend to victim's minor children, but will usually not include custody orders.</p> <p>➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children.</p> | <p>➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony).</p> <p>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.).</p> <p>➤ Criminal Trespass 1st [CGS §53a-107] if in violation of SCPO.</p> |
| <p>Foreign Orders of Protection (C.G.S. §46b-15a)</p> | <p>➤ Entitled to enforcement in Connecticut where:</p> <ul style="list-style-type: none"> ▪ Issued by courts of: (1) another state; (2) District of Columbia; (3) U.S. commonwealth, territory or possession; or (4) Indian tribe; <p>➤ Presume an order is valid if the content and form appear to be authentic (Full Faith & Credit).</p> <p>➤ The order does NOT have to be a certified copy.</p> <p>➤ May be criminal or civil. Conditions vary by issuing entity.</p> <p>➤ Must surrender weapons immediately but not later than 24 hours after notice.</p> <p>➤ Must surrender permit/eligibility certificate within 5 days of notice.</p> <p>➤ A person may register a foreign order of protection in Connecticut, but is NOT required to do so, and law enforcement cannot refuse to enforce an order because the order does not appear in COLLECT, NCIC or the Protection Order Registry.</p> | <p>➤ Criminal Violation of a Foreign Order of Protection (C.G.S. §53a-223b) (D Felony)</p> <p>➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony).</p> <p>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary,</p> | <p>➤ Criminal Violation of a Foreign Order of Protection (C.G.S. §53a-223b) (D Felony)</p> <p>➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony).</p> <p>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary,</p> | |

POLICE RESPONSE TO CRIMES OF FAMILY VIOLENCE
CONNECTICUT STATEWIDE MODEL POLICY
REV 12/2019

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| | <p>➤ A person charged with a family violence crime can be released with non-financial conditions of release² by:</p> <ul style="list-style-type: none"> ▪ Law enforcement; ▪ Bail commissioner; or ▪ A judge. <p>➤ To verify:</p> <ul style="list-style-type: none"> ▪ Check File 20; ▪ Contact clerk of court in JD/GA where order issued; ▪ Contact bail commissioner who released offender; ▪ Contact police department who released offender. | <p>➤ COR imposed by bail commissioner or law enforcement remain(s) in effect until offender is presented to a judge at arraignment.</p> <p>➤ COR imposed by a judge remain(s) in effect for the duration of the case or until further order of the court.</p> | <p>Law Enforcement:</p> <p>➤ Comply with specified restrictions on travel, association, or place of abode;</p> <p>➤ Not engage in specified activities, including use/possession of dangerous instruments or possessing any deadly weapons, intoxicant, or controlled substance;</p> <p>➤ Avoid all contact with alleged victim.</p> <p>Bail Commissioner</p> <p>➤ Any of the above; plus</p> <p>➤ Remain under supervision of designated person or organization;</p> <p>➤ Any other condition reasonably necessary to ensure appearance of the person in court.</p> | <p>assault, intimidating a witness, etc.).</p> <p>➤ Criminal Trespass 1st [CGS §53a-107] if in violation of FOP.</p> <p>➤ May be federal violation – contact US Attorney</p> <p>➤ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. §53a-222). (D Felony)</p> <p>➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony).</p> <p>➤ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. §53a-222a). (A misdemeanor)</p> <p>➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault,</p> |
|--|--|---|--|---|

² No person shall be released upon the execution of written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime and in the commission of such crime used or threatened the use of a firearm (C.G.S. § 54-63d).


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|---|---|--|---|---|
| | | | <p>Judge:</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Any non-financial condition the judge deems appropriate; ➤ Compliance with Protective Order. | <p>molestation or attack of victim (C Felony).</p> <ul style="list-style-type: none"> ➤ If, in the course of violating a COR, a person commits any other crime (i.e. threatening, intimidating a witness, assault, etc.), that person should be arrested for any other appropriate crime(s). |
| <p>Civil Protection Order (CPO) (CGS §46b-16a)</p> | <ul style="list-style-type: none"> ➤ Not for DV Cases ➤ Issued by civil judge. ➤ Victims of stalking, sex assault, sexual abuse. ➤ Service by marshal. ➤ Hearing within 14 days. | <ul style="list-style-type: none"> ➤ Lasts up to one year. ➤ Victim requests order. ➤ Cannot have a PO for same incident before CPO. ➤ If victim wants to extend beyond one year, must file a motion at least 3 weeks prior to expiration. | <ul style="list-style-type: none"> ➤ Offender not to impose restraint on the person or their liberty, threaten, harass, assault, molest, sexually assault or attack the protected person. ➤ Offender cannot enter dwelling of protected person. | <ul style="list-style-type: none"> ➤ Criminal Violation of a Civil Protective Order (CGS §53a-223c) (D Felony) |
| <p>Other Orders</p> | | | | |
| <p>Type of Order</p> <p>Family Court Orders</p> | <p>How the Order is Made</p> <ul style="list-style-type: none"> ➤ Where custody/divorce actions are pending, the Family Court may issue orders that, while not a restraining order or protection order, will often mirror traditional provisions of those orders of protection, such as: kick out orders and/or | <p>How Long the Order Lasts</p> <ul style="list-style-type: none"> ➤ Family Court orders, unless they contain an expiration date, are valid until further order of the court. | <p>Provisions that May Be Included</p> <ul style="list-style-type: none"> ➤ The victim should have a copy of the relevant order. ➤ Such orders may include, but are not limited to: <ul style="list-style-type: none"> ▪ Exclusive possession of an identified premises; ▪ Limitations on when and how one party may contact the other; | <p>Violations</p> <ul style="list-style-type: none"> ➤ Officers can, in some cases, make an arrest for the “behavior” targeted by the Order, such as an arrest for trespass, harassment, custodial interference, etc. |

POLICE RESPONSE TO CRIMES OF FAMILY VIOLENCE
CONNECTICUT STATEWIDE MODEL POLICY
REV 12/2019

| | | | | |
|--|--|--|---|--|
| | <p>stay away orders, orders around exclusive possession of the home. While these orders are not technically Orders of Protection, they are valid orders of the court and govern the conduct of the relevant parties.</p> | | <ul style="list-style-type: none">▪ Stay away orders – from a particular party or location. | |
|--|--|--|---|--|

**Connecticut
Statewide Model Policy**

**Police Response
to Crimes of
Family Violence**

The seal of the State of Connecticut is centered behind the main title. It features a shield with a ship's anchor, surrounded by a banner with the motto "QUI PRO DOMINA JUSTITIA SEQUITUR". The seal is rendered in a light blue and gold color scheme.

**Model Policies, Procedures
and Guidelines**

Revised December 2019

Police Response to Crimes of Family Violence

Model Policies, Procedures and Guidelines

Revised: December

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I. FOREWORD

This document represents Connecticut's model policy for all law enforcement to follow as a minimum standard and is aimed at serving as a meaningful guide when responding to incidents of family violence. The Family Violence Prevention and Response Act (FVPRA) represents a national model of cooperation among the multiple agencies, organizations and individuals who respond to incidents of family violence. The law is very specific regarding the responsibilities of police officers in handling family violence cases.

II. MODEL POLICY PURPOSE

It is the policy of this agency that family violence be treated as serious, violent or potentially violent criminal behavior and, consistent with this policy, that officers fully comply with the Family Violence Prevention and Response Act to:

- Make arrest decisions in such cases in accordance with traditional probable cause standards and existing state statutes;
- Protect victims of domestic violence and provide them with relevant information regarding the availability of community services and support (“Duty to Protect”); and
- Serve as a minimum standard for all law enforcement agencies to follow with the opportunity to add enhancements which serve to reflect the needs of your particular community; and
- Promote officer safety when dealing with family violence situations.

III. FAMILY VIOLENCE DEFINITIONS

“Family violence”: means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur.” CGS [§46b-38a\(1\)](#) (2013).

“Family violence crime” means a crime as defined in [§53a-24](#), other than a delinquent act as defined in [§46b-120](#), which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. CGS [§46b-38a\(3\)](#) (2013).

“Family or household member”, as defined in CGS [§46b-38a\(2\)](#) means any of the following persons, regardless of the age of such person: (A) Spouses or former spouses; (B) parents or their children; (C) persons related by blood or marriage; (D) persons other than those persons described in subparagraph (C) of this subdivision presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.” CGS [§46b-38a\(2\)](#) (2013).

NOTE: PA 19-189, clarifies the mandatory arrest carve out added to the state’s family violence arrest statute in 2018 only applies to “non-family platonic roommates” in the following living situations:

- Attending an institution of higher education and presently residing together in on-campus housing or off-campus housing owned, managed, or operated by the institution of higher education or its agent, or
- Presently residing together in a dwelling unit and making payments pursuant to a rental agreement

Because the definition of a family or household member under Section 46b-38a has not changed, platonic roommates are still able to apply for relief from abuse under a family violence restraining order in civil courts.

“Possess” per CGS [§53a-3\(2\)](#), means to have physical possession or otherwise to exercise dominion or control over tangible property.

“Safety Plan.” A plan developed between a certified domestic violence advocate and a victim/survivor that offers various options for safety which may include law enforcement.

“Trauma-Informed Care.” Pursuant to CGS [§46b-38b\(f\)](#) police officers and family violence intervention unit counselors must inform the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological psychological, and social effects of trauma and violence on a person. The Act adds that the services be delivered by a regional family violence organization that employs or provides referrals to counselors who:

1. Make available to family violence victims resources on trauma exposure and its impact on treatment,
2. Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma,
3. Emphasize continuity of care and collaboration among organizations that provide services to children, and

4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.

“**Advocacy**” characterizes the work of a certified domestic violence advocate, working for a housed within a designated domestic violence organization who is working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach.

“**Family Violence Victim Advocate - FVVA**” a person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

“**Child and Family Advocate**” a person who is working within and supervised by a domestic violence organization, employed by and under the control of a direct service supervisor of a domestic violence agency whose primary role is to provide services, support and advocacy ~~services~~ to sheltered and non-sheltered child, adolescent and teen victims of domestic violence and their families.

“**Dominant Aggressor**” means the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime. [CGS §46b-38a(5) as amended by PA 18-5]

IV. ORDERS OF PROTECTION (OOP)

“Conditions of Release Order” for family violence should be set by Law Enforcement or Bail Commissioner upon release from custody, and remains in effect until the arrested person has been presented before the Superior Court [CGS [§54-63c\(b\)](#)]. For Law Enforcement specifically, in addition to completing the JD-CR-146, the duty supervisor shall ensure that the conditions and restrictions are entered into NCIC as a File 20 with restrictions.

“Restraining Order.” A restraining order is issued by a judge of the civil court against a person who is a family or household member, usually after a hearing, but the court may issue the order immediately upon application by the victim as an “ex parte” order to remain in effect until the hearing. In the restraining order, the judge can order the abuser not to hurt or harass the victim. The judge may also order the abuser to move out of the home and order the victim to have temporary custody of the children.

“Protective Order.” A protective order is issued by a *criminal court* judge and is directed against a defendant who has been arrested for a family violence crime or whenever a protective order is an appropriate remedy in a criminal case.

“Standing Criminal Protective Order” means a criminal order of protection issued by a criminal court judge at the time of an offenders sentencing. The order can remain in effect for a significant duration of time. Previously known as a Standing Criminal Restraining Order (prior to October 1, 2010) with no expiration date.

“Foreign Order of Protection” means any protection order, as defined in 18 USC 2266, a restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.

“Civil Protection Order” means an order of protection issued by a civil court to protect an applicant who has been the victim of stalking, sexual assault and/or sexual abuse that is not related to family or domestic violence.

NOTE: Pursuant to CGS [§53a-223](#), no person who is listed as a protected person in any order of protection may be liable for:

- 1) Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or
- 2) Conspiracy to violate such order.

V. RECOMMENDED RESPONSE PROCEDURES

Telecommunication Personnel

When taking a call for service, telecommunication personnel should follow department protocol when obtaining information regarding a family violence incident. Particular attention should be paid to the following:

- the caller's name and relationship to the offender;
- the victim's name and the offender's name, and their relationship to each other;
- the nature of the abuse, or suspected or sustained injuries;
- whether weapons were implied, involved and/or present;
- previous available complaint history;
- whether the victim has a current OOP;
- whether a court order of protection is in place;
 - Check the Connecticut Protective Order Registry – File 20 and relay to the responding officer;
- whether children are involved;
- whether there is a presence of alcohol, drugs, or mental illness; and
- Telecommunication personnel are reminded that family violence victims are provided with the incident case number and contact information for the investigating agency, in order to allow them to obtain periodic updates as to the offender's incarceration status. Telecommunications personnel are to assist victim(s) who make such inquiries as to defendants who remain housed at the investigating agency.

Responding Officer

- Assess and define the nature of the incident by talking to parties separately – where it is safe and practical - and not in view of one another.
- Determine the presence and status of any weapons and refer to the model policy section on firearms.
- Provide assistance to the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression.
 - Assist the victim to obtain medical treatment if such treatment is required.
 - Notify the victim of the right to file an affidavit for a warrant for arrest.
 - Inform the victim of services available by providing the victim with contact information for Connecticut Safe Connect, to link to a certified domestic violence counselor for help. 1-888-774-2900 or www.ctsafeconnect.org. Help may be accessed through Safe Connect via phone call, live chat, text, or email with a connection to a local domestic violence organization.
 - Provide assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable.
 - Remain at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.
- Determine whether the offender is the subject of any *Order of Protection or Conditions of Release* that includes “no contact with the victim” or “no use or possession of dangerous instrument or possessing any deadly weapons.”
- Verify that the order and conditions apply to the involved victim and offender.

- Determine whether children are present, that they are safe, and unhurt and complete the following if necessary:
 - If child abuse and/or neglect is suspected, report to DCF by phone [CGS [§17a-101b](#)] and complete form DCF-136. [CGS [§17a-101c](#)]
 - Interview children as witnesses according to circumstances and department policy
 - Consider a trauma informed (forensic interview) when necessary.
 - When possible and appropriate, work cooperatively with the Child and Family Advocate at the regional family violence provider or other mental health and child welfare agencies to identify opportunities to more fully offer children trauma informed services and response at the scene of a family violence incident and develop strategies that measure impact.
 - When Appropriate, consider utilizing the Emergency Mobile Psychiatric Services (EMPS) at the scene.
 - Make arrangements for the child's care if dual custodial arrests are made.
- Do not use children to serve as an interpreter for the adult.
- If abuse and/or neglect of an elderly person or a person with an intellectual disability is suspected complete the required reports and/or notifications.
- Obtain a statement from the victim, and when appropriate, a signed medical release form with the victim's consent.
- Carefully document the condition of the scene.
- When possible, photograph the scene and any visible injuries on the victim.
- When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. [CGS §46b-38a(b) as amended by [PA 18-5](#)]
- Give the victim(s) a "Victim of Crime Card", ~~from the Office of Victim Services~~ containing information about victims' rights and phone numbers for services; [CGS [§46b-38b\(f\)](#)]. (CGS [§54-216](#) permits victims of domestic violence to obtain restitution services from the Office of Victim Services.)
- ~~Provide assistance to the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression. Pursuant to CGS §46b-38b(f) :~~
 - ~~Assist the victim to obtain medical treatment if such treatment is required.~~
 - ~~Notify the victim of the right to file an affidavit for a warrant for arrest.~~
 - ~~Inform the victim of services available by providing the victim with contact information for Connecticut Safe Connect, to link to a certified domestic violence counselor for help. 1 888 774 2900 or www.etsafeconnect.org. Help may be accessed via phone call, live chat, text or email.~~
 - ~~Refer the victim to the Office of Victim Services.~~
 - ~~Provide assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable.~~
 - ~~Remain at the scene for a reasonable time until; in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.~~
- Officers are strongly discouraged from requesting information about or otherwise investigating or assisting in the investigation of citizenship or residency status of any victim, unless such an inquiry or investigation is required by statute, ordinance, federal regulation, or a court decision. Officers should refer to the uniform enforcement protocol for treating victims of family violence whose immigration status is questionable at http://www.ct.gov/post/lib/post/general_notices/general_notice_10-1.pdf.

- Before leaving the scene, identify the local domestic violence service provider, and help the victim to develop a short-term safety plan.
- Law Enforcement agencies that voluntarily participate in the Lethality Assessment Program should consider, before leaving the scene of an intimate partner incident conduct the Lethality Assessment Program Screen and follow the appropriate protocol according to the results of the screen.
 - Connecticut's Law Enforcement across the state voluntarily engage in this two-prong danger assessment tool to better understand and serve individuals experiencing violence within their intimate relationships. Individuals who are identified as "High Danger" are connected directly to an advocate at the scene of the incident by the officer. Resources to support advocates and officers are available on the www.CTLAP.ORG website.
- Explain to the victim the process for arrest, arraignment, and bond, including the following:
 - The offender will be arraigned on the next available court date.
 - Prior to arraignment, the victim can ~~meet with or call a family violence victim advocate (FVVA) whose phone number is listed on the "Victim of Crime Card" under Domestic Violence Programs.~~ call CT Safe Connect at 1-888-774-2900 or go to www.CTSafeConnect.org 24/7, 365 days/year for support, resources and safety planning, with a connection to a local domestic violence organization.
 - On the day of arraignment, tThe FVVA will provide the victim with accurate information regarding the court process and her/his constitutional rights as a crime victim. The FVVA will represent the victim's wishes to the court. The FVVA will provide information and referrals regarding available community services, registered victims for CT SAVIN case notification, assist with applying for Victim Compensation; and will help the victim develop a short/long-term safety plan. (*The FVVA will only disclose information as authorized ~~Howed~~ by the victim - otherwise, any information given by the victim to the FVVA is confidential.) or that which is required by law.
 - Victim safety is enhanced when she/he has information in regard to the offender's incarceration status. The offender might not be held overnight; and may be released shortly after the arrest. A representative of the arresting agency shall provide the victim(s) with the incident case number and appropriate contact information for the investigating agency. Victim(s) are to be encouraged to contact the investigating agency, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate.
 - It is highly recommended that in domestic violence incidents or investigations of order of protection violations, that an officer not notify the alleged offender of a pending arrest or offer voluntary surrender. Voluntary surrender should only be offered where there are unusual circumstances related to officer or victim safety, etc. that would warrant the voluntary surrender.
- When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, she/he should request, pursuant to department policies, that the recorded call be preserved, seize the recording as evidence and document the seizure in the incident report.
- Complete, file and forward to the appropriate agencies a Family Violence Offense Report, DPS-230-C, to include the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP) (Electronic versions of the DPS-230-C must be printed and sent to the Crimes Analysis Unit).
- Document any visible injuries within the report.
- Document any verbal statements made by the victim(s), offender, or witnesses and distinguish the statements with quotes where appropriate.

- Initiate a BOLO (Be On the Lookout) for the offender if probable cause for an arrest is developed and the offender has left the scene and complete a signed/sworn report/affidavit to support the arrest in the event the offender is located and arrested.
- The provisions of CGS §46b-38b shall not apply to persons who are, attending an institution of higher education and presently residing together in on-campus housing or in off-campus housing that is owned, managed or operated by the institution of higher education or its agent, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E), or (F) of Subdivision (2) of section 46b-38a, or presently residing in a dwelling unit, as defined in CGS § 47a-1, and making payments pursuant to a rental agreement, as defined in CGS § 47a-1, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b 38a. in a dating relationship; [CGS ~~§46b-38a-38b~~(j) as amended by ~~PA 18-5 PA 19-189~~]

If unsure of how to proceed in any situation, seek guidance from the supervisor.

Supervisor

- It is recommended that the supervisor conduct a probable cause review at the scene (when necessary and feasible) and/or at booking and review all arrests, dual arrest situations, and self-defense issues.
- Ensure that all reports, including the Family Violence Offense Report, DPS-230-C are properly completed, filed, and forwarded to the Crimes Analysis Unit on a recommended monthly basis. (Crimes Analysis accepts faxed, emailed, or mailed hard copies.)
- Ensure that follow-up investigative responsibilities, ~~and~~ victim safety, and offender release considerations are coordinated to allow for shift changes and/or referral to specialized units.
- Upon approval from the court, expedite the arrest warrant execution.
- Be aware that pursuant to CGS §54-63c(a), any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear (PTA).
- Conditions of release for family violence should be set by the duty supervisor [CGS §54-63c(b)] or the bail commissioner [CGS §54-63d(c)]. Either the duty supervisor or the bail commissioner should enter or ensure that a File 20 has been entered into NCIC, with the appropriate conditions/restrictions listed.
 - If the defendant fails to appear in court on their initial assigned court date, Family Services will send the arresting agency the “Police Notification – Family Violence Defendant Failure to Appear at Initial Hearing Date” JD-FM-277 form advising of such. The arresting agency should consider modifying the conditions of release expiration date until the defendant appears in court.
- The shift supervisor is responsible for setting bail after arrest. In the rare instance when a Bail Commissioner reduces the bond set by law enforcement, a shift supervisor, who has concern for the safety of the victim, may contact the State’s Attorney within the jurisdiction, who in turn may authorize the police department to delay release on the Bail Commissioners recommendation until the arraignment. [CGS §54-63d(d)].
- Each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously review and oversee the Police Response to Crimes of Family Violence Model Policies, Procedures, and Guidelines and to enhance such agency’s response to victims, community, and court personnel with respect to family violence.

Each law enforcement agency shall annually (on or before July 1) submit the *Survey to Determine Compliance with the State of Connecticut Family Violence Model Policy* form [DESPP -231-C]

to the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP), regarding the law enforcement agency's compliance with the Connecticut Family Violence model policy. [[CGS §46b-38b\(e\)\(4\)](#)]

VI. ARREST GUIDELINES

General Considerations

- Except as provided in subsection (b) and (c) of this section, whenever an officer determines upon speedy information that a family violence crime, as defined in [CGS §46b-38a\(3\)](#), has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime(s). [[CGS §46b-38b\(a\)](#)]
- The FVPRA does not alter standards for arrest. Traditional constitutional and statutory standards, including [CGS §54-1f](#) guidelines, should direct decisions and procedures for making and processing family violence arrests. An officer must determine that probable cause exists for any charge which forms the basis for an arrest.
- When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. [[CGS §46b-38b\(b\) as amended by PA 18-5](#)].
- In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence,
 - whether one person acted in defense of self or a third person
 - the relative degree of any injury
 - any threats creating fear of physical injury
 - and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer.
- The peace officer shall arrest the person whom the officer believes to be the dominant aggressor.
- No officer investigating an incident of family violence shall threaten, suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party. [[CGS §46b-38b\(b\)](#)]
- An officer should emphasize to the parties the criminal nature of family violence and that the criminal action is being initiated by the State, not the victim.
- An officer can choose to make a custodial arrest, a summons arrest, or, in limited situations, may apply for an arrest warrant. Determination of which type of arrest to pursue should include careful consideration of imminent safety concerns for the victim and her/his children.
 - Whether or not an accused posts bond, he or she shall be scheduled for arraignment before the superior court for the geographic area where the offense is alleged to have been committed on the next regularly scheduled day of court business. [[CGS §54-1g](#)]
 - If an arrested person is hospitalized, or has escaped or is otherwise incapacitated, the person shall be presented, if practicable, to the first regular sitting after return to police custody.

Prohibited Considerations

- Pursuant to [CGS §46b-38b\(a\)](#) the decision whether to arrest an offender *shall not* be influenced by the following:
 - *The specific consent of the victim*

- *The relationship between persons suspected of committing a family violence crime -*
 - The seriousness of crimes committed between family or household members is not mitigated because of the relationships, living arrangements or genders of those involved.
- *Solely on the request of the victim.*
- In addition to the statutory considerations above, the following considerations should not influence the decision to arrest an offender:
 - *The fact that civil proceedings such as separation, divorce or custody disputes are pending.* -- Pending civil action does not preclude a thorough investigation and arrest if probable cause exists. Officers should not assume parties are using claims of domestic violence to gain advantages in civil actions. It is well documented that violence escalates when victims take steps to seek protection and/or to leave a violent relationship.
 - *The victim's previous unwillingness to participate in the complaint or arrest process.* -- Often, a victim may be immobilized by fear. Officers should treat each incident with equal importance. There is no way to tell, for example, when a victim may be in more danger or when an abusive partner may become more violent.
 - *The number or frequency of calls for police assistance at a particular location.* -- It is well documented that the level of violence may increase over time and escalate significantly when a victim seeks assistance.
 - *The victim's wishes to not have the suspect arrested.* -- Officers should emphasize that criminal action is being initiated by the state, not the victim.
 - Assurances from the offender that the violence will cease. -- If probable cause for an arrest exists the officer must proceed accordingly.
- Pursuant to PA 19-43, law enforcement agencies shall redact the name, address or other identifying information of any victim of sexual assault, voyeurism, injury or risk of injury, or impairing of morals, or family violence, or witness thereof, as defined in section 46b-38a, or of an attempt thereof, from any arrest record released to the public.

Jurisdiction

Misdemeanor Arrests

- An officer (who does not have statewide jurisdiction) may arrest for misdemeanor crimes only within the geographical boundaries of the territory covered by his/her department, with two exceptions:
 - An officer may arrest outside of his/her jurisdiction anywhere within Connecticut if there is probable cause based on "speedy information" that the crime(s) occurred within his/her jurisdiction and the officer is in immediate pursuit of the suspect. [CGS §54-1f(c)]
 - An officer may arrest anywhere within Connecticut if his/her department holds a valid arrest warrant for the accused.

Felony Arrests

- An officer may arrest anywhere within Connecticut if s/he has probable cause to believe the suspect has committed a felony.
- "Speedy information" is not required for a felony arrest; however, absent speedy information, it is recommended that the officer obtain an arrest warrant unless there is a concern for safety and/or flight.
- A criminal violation of an order of protection is a felony crime, and could be deemed to impact the safety of the victim. If a warrantless arrest is not made, an arrest warrant application and an execution of a warrant should be expedited.

Warrantless (On-Site) Arrest Considerations

- CGS §[54-1f](#) authorizes an officer to arrest, without previous complaint and warrant, any person for any offense (felony or misdemeanor) that occurred within his/her jurisdiction, when the person is taken or apprehended in the act or on the "speedy information" of others.
- "Speedy Information" is information received during the course of or promptly after the commission of the crime and is of such character that the officer has reasonable grounds to accept it as true. Whether such information constitutes speedy information depends on two considerations:
 - How proximate in time the information is to the crime; and
 - Whether the officer was justified in accepting the information and relying on it. (It is the officer's responsibility to check the truthfulness, reliability, and basis of knowledge of the person providing the information).

Warrant Arrest Considerations

- In family violence cases, an arrest warrant should be sought only in limited circumstance, such as:
 - When further investigation is needed to establish probable cause (i.e. self-defense, etc.);
 - When the offender cannot be located pursuant to speedy information;
 - For a misdemeanor arrest when there is no speedy information; and
 - For a felony arrest when there is no speedy information, unless there is a concern for safety and/or flight. A criminal violation of an order of protection is a felony crime and should be deemed to impact the safety of the victim.
- Once an officer has determined that probable cause exists, an arrest warrant should be sought as soon as possible.
- If a warrant must be sought in any incident involving the use or threatened use of a weapon (electronic defense weapon or firearm), an officer should expedite the application for an execution of the arrest warrant.
- All crimes for which probable cause exists should be charged and the facts supporting each charge, including violence or threats of violence, should be detailed in the warrant.

VII. DUAL COMPLAINTS, DOMINANT AGGRESSOR, AND SELF-DEFENSE

In family violence situations, it is not uncommon for the victims of family violence to defend themselves from abusive partners. It is also not unusual for offenders to claim that they were acting in self-defense in an effort to justify their violent or threatening act or to attempt to punish the victim for summoning law enforcement. As a result, when officers respond to complaints of family violence they often face dual complaints from multiple parties. Such situations require responding officers to investigate each complaint separately and determine if either party used force as a means of self-defense.

As discussed previously in the **General Considerations** section, [The FVPRA] CGS [§46b-38b\(a\)](#), requires, in part, that; *“whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime.”* This cited section of the statute provides the basis for what is commonly referred to as the *“mandatory arrest policy”* that is central to Connecticut’s family violence laws. The statute also directs the response of law enforcement when dealing with dual or multiple complaints and claims of self-defense in family violence cases, which may provide an exception to the *“mandatory arrest policy.”*

Dual Complaints and Dominant Aggressor

When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor. [CGS §46b-38b(b) as amended by [PA 18-5](#)].

If a peace officer believes probable cause exists for the arrest of two or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, such peace officer may submit a report detailing the conduct of such person during the incident to the state's attorney for the judicial district in which the incident took place for further review and advice. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests. [CGS §46b-38b(c) as amended by [PA 18-5](#)].

No peace officer investigating an incident of family violence shall threaten, suggest or otherwise indicate, the arrest of all persons involved in such incident for the purpose of discouraging any request from a person for law enforcement intervention. [CGS §46b-38b(d) as amended by [PA 18-5](#)].

No peace officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a family violence incident for (1) an arrest based on probable cause; [or for] (2) any conditions of release imposed pursuant to subsection (b) of section 54-63c; or (3) determinations made pursuant to subsection (b) or (c) of this section. [CGS §46b-38b(e) as amended by [PA 18-5](#)].

Officers should be aware that, given the nature of family violence, a victim may be afraid to make true and accurate statements regarding the incident due to fear of further violence by an abusive partner. Each complaint must be carefully and thoroughly investigated prior to making an arrest decision to ensure that victims will not be re-victimized by the legal system, or made to fear police intervention. An arrest itself can be particularly traumatic for victims of family violence.

The FVPRA requires officers to arrest a person only if there is probable cause to believe that person committed a family violence crime. Officers are prohibited from threatening, suggesting or otherwise indicating the arrest of all parties involved in an incident of family violence for the purpose of discouraging requests for law enforcement intervention by any party. [CGS [§46b-38b\(d\)](#)].

Dual arrests should be made only when probable cause exists to charge each party with a crime, unless the dominant aggressor has been identified or a request will be made to have the case reviewed by a state's attorney, [CGS §46b-38b(c) as amended by [PA 18-5](#)]. In some instances, officers may receive dual complaints, but thorough investigation may only establish probable cause to arrest one of the parties. In other instances, there may be probable cause to arrest one party for a family violence crime and the other for a non-family violence charge, such as interfering with an officer. This does not constitute a dual arrest. Officers should thoroughly document in the report all claims and complaints, as well as any facts and/or circumstances that either corroborate or disprove the claim or complaint. An officer should determine what type of arrest is necessary and appropriate under the circumstances, e.g., a misdemeanor summons arrest, a custodial arrest, or, in limited situations, a later arrest by warrant.

Self-Defense

In determining which person is the dominant aggressor, the peace officer shall consider whether..... if one person acted in defense of self or a third person.... [CGS §46b-38b(b) as amended by [PA 18-5](#)].

Determining whether or not a person is criminally liable when allegedly acting in self-defense can often be a complex legal issue. This section is not intended to be a complete, exhaustive summary of the law regarding self-defense, but rather, is an aid to responding officers in determining whether an arrest may or may not be required under the existing family violence statutes. If an officer is unsure how to proceed in a situation involving self-defense and/or dual complaints, the officer should contact a supervisor and/or state's attorney.

The law in Connecticut recognizes that the use of physical force upon another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances. [CGS §53a-19](#) is applicable in the context of family violence crime and addresses such circumstances.

C.G.S §53a-19. Use of physical force in defense of person:

This statute defines self-defense and the defense of others. In pertinent part, it provides that "a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.

There are, of course, exceptions to the use of such physical force in defense of a person. For example, *"a person is not justified in using physical force when (1) . . . he provokes the use of physical force by such other person, or (2) is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force . . ." and "a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling . . ."*

- Essentially, the statute requires that, before a person uses physical force in self-defense or to defend a third person, she/he must have two "reasonable beliefs."
 - 1) The first is a reasonable belief that physical force is being used or about to be used upon her/him or another.
 - 2) The second is a reasonable belief that the degree of force she/he is using to defend her/himself is necessary for that purpose.
- When attempting to determine whether or not a person was justified in using self-defense and therefore not subject to the mandatory arrest provisions of the law, the responding officer must make his or her own judgments about the reasonableness of these "beliefs". In making these judgments the officer must first consider:

- 1) The situation from the perspective of the person acting in self-defense; that is, what did the person actually believe, and - because the statute requires that the defendant's belief be reasonable, and not irrational or unreasonable under the circumstances, and
 - 2) Whether a reasonable person in the defendant's circumstances could have reached that belief.
- The analysis can be broken down into 4 steps or elements:
 - 1) That the actor actually believed that someone else was using or about to use physical force against her/him or a third person;
 - 2) That such belief was reasonable because a reasonable person in the actor's circumstances would have shared that belief;
 - 3) That the actor actually believed that the degree of force that she/he used was necessary to repel the attack;
 - 4) That such belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.

VIII. "OFFICER-INVOLVED" DOMESTIC VIOLENCE INCIDENTS

Police departments must recognize that the law enforcement personnel, whether sworn or civilian, are not immune from committing domestic violence against their intimate partners or being victims of domestic violence. Although no person is exempt, whatever his or her occupation, from the consequences of his or her actions that result in a violation of the law, the dynamics between the responding and accused officers have the potential for making on-scene decisions additionally difficult. The following incident and response protocols are critical components to the integrity of the law enforcement profession and the trust of the community.

Sworn Personnel from an Outside Agency

- If an officer from another police agency is involved in a family violence incident and probable cause exists for the officer's arrest, the officer shall be arrested.
- The highest-ranking on-duty shift supervisor shall notify the officer's agency as soon as possible, but no later than by the end of the Supervisor's shift.

Sworn Personnel from within the Law Enforcement Agency

- If an officer from a law enforcement agency is involved in a family violence incident and probable cause exists for the officer's arrest, the officer shall be arrested.
- The highest-ranking on-duty Shift Supervisor shall notify or cause to be notified the following personnel:
 - Chief of Police,
 - Command Duty Officer,
 - The Officer's Division Commander, if different from the Command Duty Officer, and
 - Internal Affairs, when such division exists.
- The family violence incident will be criminally investigated by an officer at least one (1) rank higher than the officer involved in the incident.
 - The investigating officer shall ensure that the agency complies with the policy provisions of section *V. Recommended Response Procedures: Responding Officer* and CGS §46b-38b(d).

- An Internal Affairs investigation will be conducted during or upon the conclusion of the criminal investigation, if such a division exists within the law enforcement agency.
- If a court order (i.e. restraining order (includes ex-parte order), protective order, or a foreign order of protection) is issued against the officer, the following will be done:
 - The officer shall surrender all law enforcement agency issued firearms to the Chief of Police or his/her designee,
 - The officer shall be prohibited from carrying a firearm while the order of protection is in force and effect.
- Further, in accordance with Connecticut General Statutes, the officer shall:
 - Surrender all pistols, revolvers, other firearm(s), ammunition and/or electronic defense weapon(s) to the Commissioner of Emergency Services and Public Protection (DESPP) or any local police department, or;
 - Transfer via sale all pistols, revolvers, other firearm(s), and ammunition to a federally licensed firearms dealer, as required by (CGS [§29-36k](#)) and provide the Chief of Police or his/her designee with the proof of this requirement.
- If the officer possesses a state permit or a temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate he/she shall surrender the permit/certificate(s) to the State of Connecticut Department of Emergency Services and Public Protection, Division of State Police. (CGS [§29-36k](#)).
- If the officer possesses an issued pistol permit from his/her agency, he/she shall surrender the permit to the Chief of Police within the guidelines of the court order.
- The Chief of Police or his/her designee may:
 - Suspend the officer without pay.
 - Assign the officer to administrative duties.

IX. ORDERS OF PROTECTION (OOP)

(Please also see Reference Chart at the end of this Document)

Implicit in the issuance of an OOP is a court's finding that a named protected party(ies) is in imminent danger or risk of harm, from a named, identified respondent. In the interest of immediacy, and in light of the threat always present when an order of protection is violated, coupled with the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated a restraining order (including ex-parte order), protective order, standing criminal protective order, a foreign order of protection, or the Conditions of Release.

Once probable cause for arrest has been established and if the offender has left the agency's jurisdiction, the Officer shall notify the dispatcher to advise neighboring jurisdictions or jurisdictions where the offender is believed to have fled, that there is probable cause to arrest the offender and to do so if the offender is located, and complete a signed/sworn report/affidavit to support the arrest. The investigating Department, as soon as practical, shall prepare an arrest warrant at this juncture.

- The officer's authority and mandates to arrest are set forth in CGS [§46b-38b](#), and [§54-1f](#).
- A very important role for law enforcement in family violence cases is the enforcement of *Orders of Protection*. Police should make use of the Connecticut Protective Order Registry – File 20.
- Officers should be aware that the words “**Orders of Protection**” generally could refer to any type of order. Most especially, in the federal law regarding interstate enforcement of *orders of protection*, the reference is general--not specific as to any one of Connecticut's types of such orders. Officers should be aware that each state has its own type(s) and titles of order(s) that may or may not be equivalent to one or any of Connecticut's orders.
- Connecticut has several types of *orders of protection* available for victims of family violence, including:
 - Restraining Order (RO) (includes Ex-Parte Order)
 - Protective Order (PO)
 - Civil Protective Order (includes Ex-Parte Order)
 - Standing Criminal Protective Order (SCPO)
 - Foreign Orders of Protection
 - Conditions of Release (COR) (that include “no contact with the victim” and “not to use or possess dangerous instruments or possessing any deadly weapons.”)
 - Family Court Orders
- Each type of order has specific characteristics, requirements for issuance and penalties for violation. See Appendix for a *Comparison of Orders of Protection* chart that summarizes and compares the types of orders, how they are issued, what they may include and how they are enforced. Officers should fully understand all aspects of each type of order.
- It is important for police officers to understand and always remember that *orders of protection* are issued by the court, against the offender, for the protection of the victim. They restrict the offender's behavior and *only* the offender can violate the orders. (See CGS [§53a-223](#), [§53a-223a](#) and [§53a-223b](#), regarding immunity for persons protected by an order of protection.)
- **Standard conditions** in an OOP or a SCPO (CGS [§54-1k](#)) may include provisions enjoining the offender from:
 - Imposing any restraint upon the person or liberty of the victim;
 - Threatening, harassing, assaulting, molesting or sexually assaulting the victim; and
 - Entering the family dwelling or the dwelling of the victim.

- A judge (pursuant to CGS [§54-64a](#)) or a bail commissioner (pursuant to CGS [§54-63d](#)) can impose on any person charged with a felony, misdemeanor or motor vehicle violation for which a term of imprisonment may be imposed a **Condition of Release** that she/he have “*no contact with the victim*” in that case. A person who intentionally violates that condition should be arrested for Violation of a Condition of Release. [CGS [§53a-222](#) or [§53a-222a](#)]
 - **Special conditions** that a judge may order in an OOP include, but are not limited to:
 - No direct or indirect contact with the victim; and
 - Not to go or remain within a specific distance of the victim.

Domestic Violence Alert Notification/GPS Program

The State of Connecticut Judicial Branch has **initiated** a GPS monitoring program—(*Alert Notification/GPS*) **in Bridgeport, Danielson and Hartford courts to first alert and secure the safety of the victim and then assist law enforcement with attempting to locate and apprehend the offender. protected persons in high risk domestic violence cases that an offender is within a predetermined area using GPS technology. THIS ALERT NOTIFICATION SYSTEM IS DIFFERENT FROM THE PAROLE AND PROBATION ELECTRONIC MONITORING OF OFFENDERS IN THE COMMUNITY.**

- Offenders that have a history of violating court orders and/or who pose a risk of harm to a protected person(s) can be ordered by a judge to wear a GPS equipped ankle bracelet.
- Specific locations are identified as restricted areas (i.e. the protected persons home, workplace, school, etc.) and the offender is instructed to avoid a 2500 foot area surrounding those areas.
- Alerts:
 - An alert is triggered if: 1) The offender breaches one of the restricted areas, 2) the ankle bracelet is tampered with, 3) the battery is not charged or, 4) a GPS signal cannot be located
 - If an alert is triggered, the GPS monitoring company will:
 - Notify the protected person(s) and advise them to activate a pre-established safety plan.
 - Notify the appropriate law enforcement jurisdiction and:
 - Provide the location and direction of travel of the offender and/or other pertinent information.
 - Provide information that will assist responding officers in locating the protected person.
 - Stay on the line with telecommunication personnel if the offender continues to advance towards a protected person(s) and provide a call back number for follow-up.
- Officers dispatched to an Alert Notification/GPS should:
 - Locate and ensure the safety of the protected person(s).
 - With due caution - attempt to locate the offender.
 - Determine the reason(s) for the notification.
 - If probable cause is established that the terms of an existing order of protection have been violated - arrest the offender on speedy information if located or apply for an arrest warrant if the offender cannot be located.
 - Document all information in an incident report.

Domestic Violence Personal Property Retrieval

- When a judge issues an order enjoining the offender from entering his/her family dwelling, the offender likely will be advised that she/he may contact the police for a one-time escort to retrieve personal belongings.
- When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by an officer, to retrieve belongings:
 - Initiation of the retrieval shall be at the discretion of the agency in a time period that is reasonable and practical.
 - The officer must verify the order.
 - The officer must check to ensure that the retrieval has not already been completed by another officer. The officer must contact the protected party to arrange a time for the retrieval.
 - If the officer is unable to make contact with the protected party, or if children are present, the retrieval should be scheduled for a later date/time.
 - The officer is to accompany the respondent throughout the entire retrieval. If they wish to do so, the protected party should be allowed to accompany the officer and respondent during the retrieval.
 - The retrieval should last no longer than 10 to 15 minutes, as the respondent is only retrieving essentials (clothes, toiletry, medication, etc.). Other non-essential or valuable items used by the protected party and/or children (groceries, electronics, jewelry, furniture, etc.) are not to be removed from the dwelling.
 - The officer must document that the retrieval has occurred in a CAD or incident supplement. If a call comes in as something other than a retrieval, such as request for officer, etc., the incident must be changed to “Retrieval.”
 - The protected party must have prior notice by the department, and must agree to the timing of the retrieval.
 - The respondent must not be allowed to use this as a means of harassing the protected party.
 - If it is not practical or safe for the victim to accompany the officer and the offender during the property retrieval, the officer shall review with the victim, before the officer or the offender leave the premises, what essential items the offender is seeking to remove from the residence.

Multiple Orders

- In some situations, a victim may obtain a RO and a PO to get all the court ordered protection available. A victim has a right to apply for a RO even if a PO has already been issued. There is nothing in the RO or PO statutes to prohibit a victim from having both orders.
- In situations where there are multiple orders of protection the officer should:
 - Verify that the order and conditions apply to the involved victim and offender and;
 - Document the existence of and issuance date of all orders in their incident report and;
 - Arrest the offender for any and all valid violations of such orders.

Verification of an Order of Protection

- A violation of any OOP is a felony to include:
 - Protective Order (CGS §[53a-223](#)).
 - Standing Criminal Protective Order (CGS §[53a-223a](#)).
 - Restraining Order (includes ex-parte order) (CGS §[53a-223b](#))
 - Foreign Order of Protection (CGS §[53a-223b](#)).
 - Civil Protective Order (CGS §[53a-223c](#)).

- A violation of Conditions of Release can be either a felony (CGS §[53a-222](#)) or misdemeanor (CGS §[53a-222a](#)) based on the original underlying charges.
- Any law enforcement officer may enforce any OOP where they have a good faith basis to believe it is valid.
- The best way to verify an OOP is to check with the Connecticut Registry of Protective Orders—File 20.
- Other methods may include;
 - -Asking the victim if she/he has a copy of the order.
 - Contacting the issuing court.
 - Contacting the police agency with jurisdiction where the victim resides/works.
 - Contacting the police agency with jurisdiction where the offender resides.

X. WEAPONS

Effect of a Court Order of Protection (OOP)

Possession – Definition CGS §[53a-3\(2\)](#): to have physical possession or otherwise to exercise dominion or control over tangible property.

- When the state marshal service receives an ex-parte order issued by the court that indicates that the respondent holds a;
 - Permit to carry a pistol or revolver;
 - An eligibility certificate for a pistol or revolver;
 - A long gun eligibility certificate;
 - An ammunition eligibility certificate or;
 - Possesses one or more firearms or ammunition.
- The marshal service shall;
 - Whenever possible, provide in hand service of the order to the respondent.
 - Notify the law enforcement agency for the town in which the service will take place.
 - Provide such agency a copy of the application, the applicant’s affidavit, the ex-parte order, and the notice of hearing.
 - Request a police officer from such agency be present when service is executed.
 - When possible and consistent with all other provisions of this policy, the law enforcement agency may consider sending an officer to accompany the state marshal during the service of the ex-parte order.
- Immediately, but not later than 24 hours after notice has been provided to a person subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection (CGS §[29-36k\(a\)](#)) such person must:
 - Transfer/sell to a federally-licensed firearms dealer, any pistols, revolvers, other firearms and/or ammunition in his/her possession. (CGS §[29-36k\(a\)\(1\)](#)), or
 - Deliver or surrender such pistols, revolvers, other firearms and ammunition to the Commissioner of Emergency Services and Public Protection or any local police department. [CGS §[29-36k\(a\)\(2\)](#)]
- Person’s subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection are prohibited from possessing a pistol, revolver, other firearm, ammunition or an electronic defense weapon. [CGS §[53a-217](#)]
- Persons subject to a Condition of Release “no use or possession of a dangerous weapon” are prohibited from possessing or using any dangerous instruments or possessing any deadly weapons. [CGS §[53a-222](#) or §[53a-222a](#)].

- Refer to *section XI, Federal Domestic Violence Laws*, section regarding federal law, which prohibits the possession of firearms or ammunition by any person, including a police officer, who has been convicted in any court of a family violence crime (a family violence crime that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon), including a misdemeanor family violence crime.
- Upon the surrender of any firearms or ammunition or if the offender indicates that he/she is not in possession of, nor does he/she have access to, any firearms or ammunition and there is no other evidence to suggest the contrary, consider having the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) indicating same.

Permit to Carry

- The issuing authority of a state permit or temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate must revoke the permit and/or certificate(s) if the person holding the permit/certificate(s) becomes subject to an order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- Within five days of receiving written notice that a permit/certificate has been revoked, the holder of the permit/certificate must surrender the permit/certificate to the issuing authority. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- If an offender does not surrender the permit/certificate, he/she should be arrested for any of the following that apply;
 - Failure to Surrender Permit to Carry a Pistol or Revolver (CGS [§29-32](#)); or
 - Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS [§29-36i](#)), or
 - Failure to Surrender Long Gun Eligibility Certificate (CGS [§29-37s](#)); or
 - Failure to Surrender Ammunition Certificate (CGS [§29-38p](#)); and
 - The permit/certificate should be confiscated and immediately forwarded to the Commissioner of the Department of Emergency Services and Public Protection. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- Any local issuing authority that revokes a permit must notify the Commissioner of the Department of Emergency Services and Public Protection of the revocation, and any revocation of a state permit by the Commissioner of the Department of Emergency Services and Public Protection requires notification of the local issuing authority. [CGS [§29-32](#)]

Seizure of Firearms at the location of a Family Violence Crime (Safekeeping Provision)

Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm, ammunition, or electronic defense weapon at the location where the crime is alleged to have been committed that is in the possession of the offender/suspect or that is in plain view. [CGS [§46b-38b\(a\)](#)]. Refer to CGS [§53a-3](#) – *Definition of Possession*. Any firearm seized under this section must be returned in its original condition within seven (7) days to its rightful owner unless such person is ineligible to possess the firearm or unless otherwise ordered by the court. Any questions regarding the return of weapons seized under this section should promptly be directed to the state’s attorney.

Use or Threatened Use of Weapon in a Family Violence Crime

In responding to family violence incidents, officers shall investigate and arrest in accordance with relevant Connecticut Statute [§46b-38b](#). If an officer has probable cause to believe that a person used or threatened to use a weapon in the commission of any family violence crime(s) that person should be arrested for all appropriate crimes and the weapon should be seized as evidence of the crime(s).

Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver

Arrests for criminal possession...

- 1) Any offender that knows that she/he is subject to a Restraining Order, (includes ex-parte order), Protective Order, Standing Criminal Protective Order or Foreign Order of Protection issued by the court, in a case involving the use, attempted use or threatened use of physical force against another person, or
 - 2) has been convicted of a felony; or
 - 3) has been convicted of a Misdemeanor committed on or after October 1, 1994 (pistol and revolvers); on or after October 1, 2013 (other firearms, ammunition, electronic defense weapons) as identified in CGS [§53a-217](#) and [§53a-217c](#); or
 - 4) is subject to any other firearms prohibitions as defined in CGS [§53-217](#) and [§53a-217c](#); and
 - 5) is in possession of any firearm, ammunition, electronic defense weapon, pistol or revolver,
- should be arrested for Criminal Possession of a Firearm or Electronic Defense Weapon (CGS [§53a-217](#)) if found in possession of any firearm, ammunition, electronic defense weapon; or
 - Criminal Possession of a Pistol or Revolver (CGS [§53a-217c](#)) if found in possession of any pistol or revolver; and
 - The weapon(s) and/or ammunition should be seized as evidence of the crime.

Seizure of Firearms from Person Posing Risk to Self or Others (Risk Warrant)

A judge may issue a search and seizure warrant to search for and take custody of any firearms when any two officers (or any prosecutor) complain on oath that there is probable cause to believe that (1) a person poses a risk of imminent personal injury to him/herself or to other individuals, and (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person. [CGS [§29-38c\(a\)](#)]

Police officers should consider this option when investigating incidents of family violence.

XI. FEDERAL DOMESTIC VIOLENCE LAWS

The possible or potential applicability of any of the federal family violence laws discussed in the following material does not preclude an officer's responsibility to comply with Connecticut's family violence laws and mandatory arrest provisions, as Connecticut and federal law can have concurrent jurisdiction.

The Federal Violence Against Women Act (VAWA) makes criminal certain actions in family violence situations. Several provisions of that Act which may arise during the investigation of family violence situations by Connecticut police officers are described below.

If an officer believes that a person may have violated a provision of VAWA, he/she should discuss the facts of the investigation with a supervisor and/or States Attorney for referral and review by an Assistant United States Attorney who will determine whether the situation warrants prosecution on federal charges.

The offices of the United States Attorney for the District of Connecticut are located at:

Office of the United States Attorney
157 Church Street New Haven, Connecticut
06508 (203) 821-3700

Summary of Applicable VAWA Sections

Full Faith and Credit: [Title 18 USC §2265](#) and [§2266](#)

- Requires states and Indian tribes to enforce orders of protection issued by foreign states and Indian tribes as if the orders had been issued by the non-issuing, enforcing state or Indian tribe.
- A valid order of protection is defined as an order of protection that was issued by a court with jurisdiction over the parties and matter under the laws of such state or Indian tribe and in circumstances where the defendant was given reasonable notice and the opportunity to be heard sufficient to protect the defendant's due process rights.
- The provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final protection orders issued by civil and criminal courts (other than support or child custody orders). In other words, it extends to temporary and final, civil and criminal orders of protection.
- The provision states that officers should enforce out-of-state orders of protection that are presented to them if the order appears valid on its face, i.e., it contains both parties' names and has not yet expired. The provision further states that even if the out-of-state order is uncertified, it should be enforced if it meets the requirements of facial validity.

Disposal, Receipt or Possession of a Firearm: [Title 18 USC §922\(d\)](#) and [\(g\)](#)

- Section 922(d)(8) prohibits the knowing transfer of a firearm to a person who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child. Section 922(g)(8) prohibits the possession of a firearm by persons subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

- Section 922(g)(9) prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a family violence crime (a family violence crime that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon), including a misdemeanor family violence crime.

Interstate Domestic Violence: [Title 18 USC §2261\(a\)\(1\)](#)

- Prohibits the travel across state lines or the leaving or entering of Indian Territory with the intent (at the time of the crossing) to injure, harass, or intimidate a spouse or intimate partner. This provision is violated when a person, after the crossing, then intentionally commits a violent crime or causes a bodily injury.

Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud: [Title 18 USC §2261\(a\)\(2\)](#)

- Violation of this provision occurs when the defendant by force, coercion, duress or fraud, causes a spouse or intimate partner to cross state lines (or leave or enter Indian Territory) and in the course or as a result of that conduct, intentionally commits a crime of violence. Bodily injury to the victim is also required.

Interstate Stalking: [Title 18 USC §2261A](#)

- Prohibits travel across a state line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, when in the course of, or as a result of, such travel, the person is placed in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's family.

Interstate Violation of a Protective Order: [Title 18 USC §2262](#)

- This provision is violated when a person travels across state lines or leaves or enters Indian territory with the intent to engage in conduct that (A) (i) violates the portion of a PO that protects against credible threats of violence, repeated harassment, or bodily injury; or (ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the PO was issued; and (B) subsequently engages in such conduct.

XI. COMPARISON OF ORDERS OF PROTECTION¹

Current to 20182019

No individual who is listed as a protected person on any order may be liable for: (1) soliciting, requesting, commanding, importuning, or intentionally aiding in the violation of the order; or (2) conspiracy to violate such order.

| Protective Orders and Restraining Orders | | | | |
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| Type of Order | How the Order is Made | How Long the Order Lasts | Provisions that May Be Included | Violations |
| Protective Order (PO) (C.G.S. §46b-38c) (C.G.S. § 54-1k) | <ul style="list-style-type: none"> ➤ Issued by a judge in a criminal case, usually at the time of arraignment. ➤ There is no cost to the victim. ➤ Victim may not want a PO or even know the PO has been issued. ➤ Offender, not the victim, is responsible for upholding order. ➤ Is a condition of the offender’s release. | <ul style="list-style-type: none"> ➤ Duration of the criminal court case. ➤ Until criminal case ends ➤ Judge may modify or terminate at any time, without victim knowing. ➤ May continue during probation [CGS §53a-28(f)] ➤ Check with Protection Order Registry | <ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person’s home (full/ residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim’s minor children, but will usually not include custody orders. May include animals. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. | <ul style="list-style-type: none"> ➤ Criminal Violation of a Protective Order [C.G.S. §53a-223] (D Felony) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of a victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of PO. |

¹ The orders outlined in this chart are not mutually exclusive. A family violence victim could have more than one valid order from the same category or more than one valid order from multiple categories in effect at the same time (i.e. two protective orders, a protective order and a restraining order, etc.). Law enforcement must enforce the strictest provisions of any and all valid orders.

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| <p>Restraining Order (RO) (C.G.S. §46b-15) Includes Ex-Parte order</p> | <ul style="list-style-type: none"> ➤ Victim files an “Application for Relief from Abuse” in the Family Division of Superior Court (civil court). ➤ Ex-parte order may be granted by judge. Hearing on order scheduled within 14 days. ➤ Victim must ensure that offender is “served” with notice of hearing. ➤ Offender, not the victim, is responsible for upholding order. ➤ There is no cost to the victim (for filing or service). | <ul style="list-style-type: none"> ➤ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance. ➤ 7 day hearing if firearms, permit, eligibility certificate disclosure. ➤ Marshal/PD service in hand when possible. ➤ At hearing, judge can extend the order for 1 year with possible extension beyond 1 year. ➤ If victim wants to extend order beyond initial 1 year term, must file a motion at least 12 days prior to expiration. ➤ Order will not end prior to the expiration date without the victim being notified. ➤ Check with Protection Order Registry. | <ul style="list-style-type: none"> ➤ Same provisions as in Protective Orders (above). ➤ May include custody orders. ➤ May include financial conditions for spouse (ex)/dependent children, living together (i.e. utilities, insurance, mortgage, rent, support). ➤ No disposal of property, documents, keys, ID. ➤ Must surrender weapons immediately, but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. | <ul style="list-style-type: none"> ➤ Criminal Violation of a Restraining Order (C.G.S. §53a-223b) (D Felony) ➤ Unless violation includes, imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of RO. ➤ Victim also can file a Motion for Contempt in court where order was issued. ➤ Violation of financial conditions is NOT a criminal violation; explain option to file Motion for Contempt |
| | <ul style="list-style-type: none"> ➤ Issued by a criminal court judge at the time of sentencing. | <ul style="list-style-type: none"> ➤ Orders issued prior to Oct. 2010 could last indefinitely. | <ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the | <ul style="list-style-type: none"> ➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. §53a-223a) (D Felony) |

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| <p>Standing Criminal Protective Order (SCPO) (C.G.S. §53a-40e)</p> <p><i>AKA: Standing Criminal Restraining Order (pre-Oct. 1, 2010)</i></p> <p><i>Permanent Protective/Restraining Order</i></p> | <ul style="list-style-type: none"> ➤ Can only be issued if offender is <u>convicted</u> of: <ul style="list-style-type: none"> ▪ Violation of enumerated offenses; or ▪ Any crime the court determines to be family violence; or, ▪ Any other crime for good cause shown. ➤ No cost to victim. ➤ Victim may not want a SCPO or even know the SCPO has been issued. | <ul style="list-style-type: none"> ➤ Orders issued post Oct. 2010 shall remain in effect for any duration specified by the court at the time of sentencing. ➤ Orders can be modified and/or terminated without notice to or consent of the victim. | <p>protected person (partial/limited order).</p> <ul style="list-style-type: none"> ➤ Offender must stay away from the protected person’s home (full/residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim’s minor children, but will usually not include custody orders. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. | <ul style="list-style-type: none"> ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of SCPO. |
| <p>Foreign Orders of Protection (C.G.S. §46b-15a)</p> | <ul style="list-style-type: none"> ➤ Entitled to enforcement in Connecticut where: <ul style="list-style-type: none"> ▪ Issued by courts of: (1) another state; (2) District of Columbia; (3) U.S. commonwealth, territory or possession; or (4) Indian tribe; ➤ Presume an order is valid if the content and form appear to be authentic (Full Faith & Credit). The order does NOT have to be a certified copy. ➤ May be criminal or civil. Conditions vary by issuing entity. ➤ Must surrender weapons immediately but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. ➤ A person may register a foreign order of protection in Connecticut, but is NOT required to do so, and law enforcement cannot refuse to enforce an order because the order does not appear in COLLECT, NCIC or the Protection Order Registry. | | | <ul style="list-style-type: none"> ➤ Criminal Violation of a Foreign Order of Protection (C.G.S. §53a-223b) (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, |

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| | | | | <p>assault, intimidating a witness, etc.).</p> <ul style="list-style-type: none"> ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of FOP. ➤ May be federal violation – contact US Attorney |
| <p>Conditions of Release (COR) (C.G.S. §§ 53a-222, 53a-222a, 54-63c, 54-63d)</p> | <ul style="list-style-type: none"> ➤ A person charged with a family violence crime can be released with non-financial conditions of release² by: <ul style="list-style-type: none"> ▪ Law enforcement; ▪ Bail commissioner; or ▪ A judge. ➤ To verify: <ul style="list-style-type: none"> ▪ Check File 20; ▪ Contact clerk of court in JD/GA where order issued; ▪ Contact bail commissioner who released offender; ▪ Contact police department who released offender. | <ul style="list-style-type: none"> ➤ COR imposed by bail commissioner or law enforcement remain(s) in effect until offender is presented to a judge at arraignment. ➤ COR imposed by a judge remain(s) in effect for the duration of the case or until further order of the court. | <p>Law Enforcement:</p> <ul style="list-style-type: none"> ➤ Comply with specified restrictions on travel, association, or place of abode; ➤ Not engage in specified activities, including use/possession of dangerous instruments or possessing any deadly weapons, intoxicant, or controlled substance; ➤ Avoid all contact with alleged victim. <p>Bail Commissioner</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Remain under supervision of designated person or organization; ➤ Any other condition reasonably necessary to ensure appearance of the person in court. | <ul style="list-style-type: none"> ➤ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. §53a-222). (D Felony) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➤ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. §53a-222a). (A misdemeanor) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, |

² No person shall be released upon the execution of written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime and in the commission of such crime used or threatened the use of a firearm (C.G.S. § 54-63d).

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| | | | <p>Judge:</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Any non-financial condition the judge deems appropriate; ➤ Compliance with Protective Order. | <p>molestation or attack of victim (C Felony).</p> <ul style="list-style-type: none"> ➤ If, in the course of violating a COR, a person commits any other crime (i.e. threatening, intimidating a witness, assault, etc.), that person should be arrested for any other appropriate crime(s). |
| <p>Civil Protection Order (CPO) (CGS §46b-16a)</p> | <ul style="list-style-type: none"> ➤ Not for DV Cases ➤ Issued by civil judge. ➤ Victims of stalking, sex assault, sexual abuse. ➤ Service by marshal. ➤ Hearing within 14 days. | <ul style="list-style-type: none"> ➤ Lasts up to one year. ➤ Victim requests order. ➤ Cannot have a PO for same incident before CPO. ➤ If victim wants to extend beyond one year, must file a motion at least 3 weeks prior to expiration. ➤ | <ul style="list-style-type: none"> ➤ Offender not to impose restraint on the person or their liberty, threaten, harass, assault, molest, sexually assault or attack the protected person. ➤ Offender cannot enter dwelling of protected person. | <ul style="list-style-type: none"> ➤ Criminal Violation of a Civil Protective Order (CGS §53a-223c) (D Felony) |
| Other Orders | | | | |
| Type of Order | How the Order is Made | How Long the Order Lasts | Provisions that May Be Included | Violations |
| <p>Family Court Orders</p> | <ul style="list-style-type: none"> ➤ Where custody/divorce actions are pending, the Family Court may issue orders that, while not a restraining order or protection order, will often mirror traditional provisions of those orders of protection, such as: kick out orders and/or | <ul style="list-style-type: none"> ➤ Family Court orders, unless they contain an expiration date, are valid until further order of the court. | <ul style="list-style-type: none"> ➤ The victim should have a copy of the relevant order. ➤ Such orders may include, but are not limited to: <ul style="list-style-type: none"> ▪ Exclusive possession of an identified premises; ▪ Limitations on when and how one party may contact the other; | <ul style="list-style-type: none"> ➤ Officers can, in some cases, make an arrest for the “behavior” targeted by the Order, such as an arrest for trespass, harassment, custodial interference, etc. |

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| | <p>stay away orders, orders around exclusive possession of the home.</p> <p>➤ While these orders are not technically Orders of Protection, they are valid orders of the court and govern the conduct of the relevant parties.</p> | | <p>▪ Stay away orders – from a particular party or location.</p> | |
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