


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: February 8, 2024

SUBJECT: Agenda Information – 2/13/2024

The following is additional or summary information regarding matters on the upcoming Town Council Agenda. The numbering below follows the agenda, and some routine or self-explanatory items are not discussed in this memo. As you review your packet materials, please do not hesitate to contact the appropriate staff member or me prior to the Council meeting with any questions or concerns.

5 Actions Related to a Town Council Vacancy

5a Motion to accept resignation – Town Council member Brandon Goff submitted his resignation on January 31 due to a relocation that will cause him to move out of Town. The Council is asked to officially adopt a motion to accept the resignation to ensure the matter is best represented in the Town records.

Recommendation: Accept the resignation by motion.

5b Motion to appoint a new member to fill the vacancy – The Town Council will consider a motion to appoint former Town Council member Tim Feegel to fill the vacancy upon recommendation by the Town Republican Committee. In accordance with State Law, the new member must be of the same party of the vacating member.

Recommendation: Approve appointment of the new member for the remainder of the term.

8 Resolutions/Ordinances/Policies/Proclamations

8a Review of a proposed Ordinance related to work in roadways and setting of a public hearing - The Council is asked to review an ordinance that would codify various regulations as it relates to performance of construction or maintenance activities on public roads in the Town. The ordinance will codify the requirement for permits and bonds from those undertaking work and will identify certain standards for protection of workers, motorists and pedestrians in and around those work sites. In particular, the ordinance adds a requirement that those working on or adjacent to all public roads in the community notify the Chief of Police, who may, based on the conditions and characteristics of the particular road, require additional safety measures including the hiring of Police officers to supplement the measures. As discussed, this is intended to improve safety of work sites on main roads in the community that are subject to heavy traffic or reduced sight lines. If the Town Council is prepared to consider the ordinance, it would be appropriate to set the required public hearing to take place as part of the next regular Town Council meeting.

Recommendation: Set a public hearing on the proposed ordinance to occur at the Regular Town Council meeting on February 27.

8b Consideration of a Resolution establishing a Water Committee – The Council is asked to consider a resolution establishing the East Hampton Water Committee as an advisory body to the Town Council with responsibility for overseeing, publicizing, receiving community input on and advising the Town Council on the effort to establish a new water source, interconnect existing Town water systems and expand municipal water in the Town. The proposed committee consists of seven members, up to three of which may be members of the Town Council. It establishes two year terms for the citizen members and establishes the Town Manager and the Public Utilities Administrator as non-voting *ex officio* members. If the committee is established, the Council could make initial appointments to the committee later in this meeting under Appointments.

Recommendation: Adopt the Resolution to establish the Water Committee.

10 New Business

10a Consideration of an updated Job Description for the Recreation Program Coordinator – The Council is asked to consider an updated version of the Recreation Program Coordinator position, which is currently vacant, but is being filled. As a reminder, this position in the Recreation Department is generally responsible for development and oversight of all recreational programming in the community as well as supporting the Recreation Director. The position is funded through both program revenue and general revenues. The position description has not been updated in several years and the revision is intended to capture the current identity of the position as well as update the various required components of the position.

Recommendation: Approve the updated Job Description.

10b Consideration of certain revisions to the Firefighter Awards Program - The Council is asked to consider and approve two items related to the Firefighter Awards Program (officially “Volunteer Firemen’s Pension Plan”), which is a small retirement-type program for those who volunteer as firefighters in the community, and which is overseen by a Board of Trustees consisting of the Finance Director and representatives of the Fire Commission and the firefighters. The actions are described in Finance Director Jylkka’s memos included in the packet. The first action is to affirm the current members of the Program’s/Plan’s Board of Trustees, which was established at the inception of the program to be the Finance Director, the Fire Chief, the Chair of the Board of Fire Commissioners and a firefighter member at large. The investment advisor and staff are requesting confirmation of the current names of the people in those positions as the proper persons. The second matter relates to approving a new investment advisor for the Program. The Board of Trustees has recommended Fiducient Advisors to fill this role based on a variety of reasons. The Board of Trustees for the Program/Plan has recommended approval of these changes.

Recommendation: Approve the proposed changes.

10c Consideration of an update to an existing General Order in the Police Department – The Council is asked to consider and approve a revised General Order related to Family Violence as described in Chief Woessner’s memo. The State’s Police Officer Standards and Training Council (POSTC) has established a new statewide policy for officer and department response to crimes of family violence and this policy must be adopted and trained in our department. This standard is part of the accreditation requirements of the State for police agencies.

Recommendation: Approve the updated Policy.

The remainder of the items are of a routine nature, in the sole purview of the Council or are announcements. Please contact me or the appropriate staff member with questions or concerns.

**Town of East Hampton
Town Council Regular Meeting
Tuesday, January 23, 2024
Town Hall Council Chambers and Zoom**

MINUTES

Present: Chairman Dean Markham, Vice Chairperson Karen Wanat, Council Members Richard Knotek, Jack Solomon, Deborah Cunningham (attended via Zoom) and Jordan Werme and Town Manager David Cox.

Absent: Brandon Goff

Call to Order & Pledge of Allegiance

Chairman Markham called the meeting to order at 6:30 p.m. in the Town Hall Council Chambers and via Zoom.

Adoption of Agenda

A motion was made by Mr. Solomon, seconded by Mr. Werme, to adopt the agenda as submitted. Voted (6-0).

Approval of Minutes

Regular Meeting of January 9, 2024

A motion was made by Mr. Werme, seconded by Mr. Solomon, to approve the minutes of the Town Council Regular Meeting of January 9, 2024 as submitted. Voted (6-0).

Public Remarks

Ryan Baldassario, 19 Sunset Drive, is the Chairman of the Brownfields Redevelopment Agency. He wanted to briefly update the Council members on the initial scope of work and estimated cost for the assessments in the Village Center. Both budgets are separate for both grants, EPA would be \$22,230 and DECD would be \$6,500. Mr. Baldassario is hoping the Council members will approve of the budget. The EPA grant is a community grant, while the DECD grant only covers two of the brownfields properties. Community outreach plans are being discussed for the near-future.

Presentations

- a. **Presentation of the Board of Education Quarterly Financial Report:** Paul Smith, Superintendent, presented the report to the members. The Council members received a copy of the report in their meeting packets to review. The school system is still in a deficit situation. There is a budget and hiring freeze for the schools, except for hiring replacements and filling open spots. The cost of living and prices are increasing, but the State budget is still being eroded year after year. Outplaced student costs were reviewed and discussed with the Council members. The State reimburses 76% of what is paid out for outplaced students above 4.5 times our standard per pupil cost. The number of outplaced students has jumped from 8 to 14 between years.

Bids & Contracts

- a. **Consideration of a Contract Award for Brownfield Assessments in the Village Center:** The Brownfields Agency brought their initial scope of work and estimated costs to the Council members to review and discuss.

A motion was made by Mr. Solomon, seconded by Mr. Werme, to approve the two scopes of work and estimated costs with VHB in the amount of \$28,730. Voted (6-0).

Resolutions/ Ordinances/ Policies/ Proclamations

None

Continued Business

- a. **Sub-Committee Reports & Updates:** The Appointment Sub-Committee has held a meeting to discuss their process for appointing new members to fill the boards and commissions. The terms that have expired at the end of 2023 are being handled as well. The sub-committee will contact the members that have expired terms to ensure they want to renew their term with the board or commission in which they served. The sub-committee has a 90-day time period to renew the expired terms for each member. There are 25 members whose terms have expired, 24 full member vacancies, and 12 alternate spots. The members reviewed their procedures, the application process, and discussed looking into future appointments. There was a suggestion to include a question to the application asking the applicant if they have attended the meetings of the commission or board they want to join. This would help to encourage people to attend the meetings to get more information and a feel for the board or commission. There was discussion of establishing a standing meeting for the sub-committee one hour before the Town Council meeting at the beginning of the month. There were also suggestions of advertising for all the vacancies for each board and commission. There could be advertisements included in the Events magazine.

The Board of Education meeting was held, and the members want to thank the Superintendent and the members on their thought out plan on executing a budget for the schools. The next Board of Education budget meeting will be held on February 12th.

New Business

None

Town Manager's Report

There was major road damage earlier in the month during the bad storms that passed through. The bridge and culvert on Wopowog Road past Tartia Road were lost from being washed out. The town is figuring out the cost of replacing the culvert, the estimated cost of replacing would be \$750,000. The engineering firm has been engaged with and started to work on a plan for the project. It was mentioned to the Capital Committee and the road paving may need to be pushed back to prioritize fixing the bridge and culvert. The fire department will be loaning their Engine apparatus to Portland for approximately six months. The Chiefs from both town departments will be coordinating the loan. Portland's plan is to order a new Engine and have it delivered within six months if possible. The second tax installment is due by the end of the month on February 1st.

Appointments

The members appointed to the Town Water Committee were announced, included in the meeting packet, and will be formalized next meeting.

A motion was made by Mr. Knotek, seconded by Mr. Solomon, to appoint alternate Derek Johnson to full member position on the Conservation Lake Commission. Voted (6-0).

Tax Refunds

A motion was made by Ms. Wanat, seconded by Mr. Werme, to approve the tax refunds in the amount of \$7,594.49. Voted (6-0).

Public Remarks

None

Communications, Correspondence & Announcements

None

Executive Session

Strategy and Negotiation Regarding Collective Bargaining

A motion was made by Ms. Wanat, seconded by Mr. Knotek, to recess the meeting and enter into executive session. Voted (6-0).

Adjournment

The Council returned from Executive Session at 9:01pm and adjourned the meeting with no actions taken.

Respectfully Submitted,

Katrina Aligata
Recording Clerk

Town of East Hampton
Middlesex County, Connecticut

DRAFT – February 8, 2024

Ordinance No. 2024.01

An Ordinance Amending Chapter 273 of the Code of the Town of East Hampton Regarding Streets and Sidewalks Concerning Excavation of Streets; Traffic and Site Safety

WHEREAS, in the interest of protecting the safety of the workers performing work in or adjacent to public roadways, of protecting the safety of pedestrians and the motoring public in the Town of East Hampton, and of protecting the Town’s infrastructure, the Town Council hereby adopts the following ordinance for performing work and protecting safety on and within streets, highways and sidewalks.

NOW THEREFORE, pursuant to Chapter II of the East Hampton Town Charter, and Conn. Gen. Statute Section 7-148(c)(6), the East Hampton Town Council hereby adopts the following Ordinance Concerning Excavation of Streets; Traffic and Site Safety.

Section 1: Chapter 273 of the Code of the Town of East Hampton is hereby amended by the creation and addition of Article VII regarding Excavation of Streets; Traffic and Site Safety as follows:

ARTICLE VII Excavation of Streets; Traffic and Site Safety

273-21 Permit Required.

No person, firm or corporation who is not the Town of East Hampton or its agencies or contractors shall make any excavation, ditch, digging or otherwise alter, open or remove the surface of or any material or improvements from any street, highway or sidewalk in the Town of East Hampton, except those under the jurisdiction of the State of Connecticut, until a permit has been obtained from the Director of Public Works or the Director’s designee. Application for a permit shall be made on forms provided by the Director of Public Works and shall be accompanied by a sketch or drawing describing the work to be done. The sketch or drawing shall be in sufficient detail to facilitate an inspection of the excavation by Town personnel. The Director of Public Works may require details, plans and specifications and other engineering data to be submitted with the application as deemed necessary by the Director. The permit shall be obtained at least 72 hours prior to commencement of excavation activities except in bona fide emergency situations. In such case, the Public Works Director shall be notified prior to the excavation through the emergency services dispatcher and permits shall be obtained after the event.

273-22 Fees and Bond.

- A. Permits issued pursuant to this Article shall pay a required fee to the Town of East Hampton in an amount as determined from time to time by the Town Council.

- B. Applications for work as outlined in this Article shall include a required cash or surety bond issued by a Connecticut licensed surety company in an amount and in a form as determined by the Public Works Director, which bond shall be intended to ensure that work is undertaken properly and which may be used by the Town to repair, replace or undertake work that is required of the permittee in the event the permittee does not properly perform the work.

273-23 Special Notice Required When Travel or Traffic Impacted.

- A. No person, firm or corporation who is not the State of Connecticut or the Town of East Hampton or their respective agencies shall be perform any work in any street, highway or sidewalk in the Town of East Hampton that involves any impairment or deviation from the normal flow of traffic including use or blockage of any portion of the roadway or any area adjacent to the traveled roadway without notifying the Chief of Police as described herein and in accordance with procedures established by the Chief of Police.
- B. Any work performed as described in this Article shall be protected at all times in accordance with the Manual on Uniform Traffic Control Devices. The Chief of Police may require such additional protection as is deemed necessary in the sole discretion of the Chief of Police to allow for protection of the site and workers and the safe passage of vehicular and pedestrian traffic, including requiring police officers and/or flaggers, whenever there are road closings, lane closings or other restrictions to traffic. Only one half of the traveled portion of a street or highway should be excavated or blocked at a given time, permitting safe passage of vehicular traffic on the remaining half and no excavation, opening or blockage shall be made across the width of the entire street or highway in such a manner as to prohibit safe passage of vehicular traffic without the written permission of the Chief of Police. Notification shall be made to the Chief of Police in accordance with procedure at least 72 hours prior to commencement of excavation activities except in bona fide emergency situations. In such case, the Police Chief shall be notified prior to the excavation through the emergency services dispatcher.

273-24 Continued Validity of Street Standards.

Nothing in this article shall be construed to modify or change any of the requirements set forth by the Town Planning And Zoning Commission, or the Town of East Hampton Street Standards, for the maintenance and repair of existing Town roads.

Section 2: Subject to the applicable provisions of the Town Charter, this ordinance is effective immediately upon its adoption and publication.

Approved this ____ day of _____, 2024.

TOWN COUNCIL

ATTEST

Dean Markham, Chairperson

Patricia Burnham, Town Clerk

RESOLUTION

East Hampton Town Council

A Resolution Establishing a Water Committee

DRAFT – February 8, 2024

WHEREAS, the Town of East Hampton is continuing to explore:

1. Implementation of a new municipal water system
2. Additional water sources
3. Expansion of municipal water to additional sections of the community, and

WHEREAS, the Town of East Hampton (“Town”) has, utilizing a subcommittee of the Town Council, undertaken extensive updates to existing studies and reports regarding municipal water, has undertaken additional modeling and system design to establish a basic plan and has engaged an engineering firm to conduct preliminary design activities, all utilizing grant funds, and

WHEREAS, the Town Council desires to create and empower a committee of local officials, residents and other stakeholders to oversee and advise the Town and Town Council on continued efforts to implement a new water source, interconnect the Town owned water systems and expand municipal water in the community.

NOW, THEREFORE, BE IT RESOLVED by the Town of East Hampton Town Council that a committee called the East Hampton Water System Committee is hereby established.

BE IT FURTHER RESOLVED, that the East Hampton Water System Committee hereby established shall consist of seven members who shall be residents of the Town appointed by the Town Council. Up to three members of the Committee may be members of the Town Council and the overall committee shall adhere to the minority representation clause of the Connecticut General Statutes. Council members appointed shall have terms coterminous with the member’s term on the Town Council and resident members shall have a term of two years. Such Committee shall also include the Town Manager and the Public Utilities Administrator as *ex officio*, non-voting members and the Town Manager shall be responsible for administrative support of the committee including keeping of minutes. The Committee shall select its own chairperson.

BE IT FURTHER RESOLVED, the East Hampton Water System Committee shall be charged with overseeing water system development efforts in

the community, communication with the community and residents regarding development and expansion of the water system, including explaining the system plans and benefits to the community, undertaking community engagement efforts to understand community sentiment, engaging the public regarding potential financing of any potential project and communicating with the Town Council on a regular and appropriate basis not less than quarterly regarding progress, plans and advice.

Approved this 13th day of February, 2024.

TOWN COUNCIL

ATTEST

Dean Markham, Chairperson

Patricia Burnham, Town Clerk

DRAFT – February 8, 2024

Town of East Hampton, CT
Recreation Program Coordinator

The Recreation Program Coordinator is responsible for planning, marketing, managing, implementing, and measuring the overall success of programs for all age groups and capabilities. The coordinator is responsible for overseeing employees, policies, and procedures and ensuring that the programs run safely and efficiently.

General Description

Work involves performing a variety of administrative, supervisory, and professional duties to manage the Department's programs and activities. The Program Coordinator also performs administrative duties central to the functioning of the Recreation Department.

Supervision Received

Reports directly to the Recreation Director.

Supervision Exercised

Supervises program providers, including part-time, seasonal staff, independent contractors, and consulting professionals.

Essential Duties and Responsibilities

- Plan, budget, schedule, implement, administer, and evaluate recreation programs for participants of all ages, abilities, and interests.
- Assist in the hiring, training and supervision of all other Department staff including part time and seasonal staff as well as contracted program instructors.
- Supervise, schedule, support and evaluate part-time and seasonal staff and contracted instructors.
- Routinely conduct staff meetings.
- Assist with the preparation and administration of program and operating budgets.
- Maintains departmental records, including those of the Parks and Recreation Advisory Board and other related boards and commissions as assigned.
- Assists with paperwork for new employees, reviews and submits staff payroll.
- Attend programs to provide oversight and ensure safe operations of programs.
- Oversee facility reservations and coordinate park rentals and use.
- Monitor program revenue and expenses.
- Responds to customer service needs.
- Marketing and promotion of programs through advertising.
- Coordination of volunteer and community service efforts.
- Interaction with and attendance at Parks and Recreation Advisory Board meetings and functions as well as attendance as directed at other town boards, commissions, agencies, volunteer groups, businesses, and outside agencies.

- Assist with fundraising efforts.
- Register participants for programs and activities, collect fees and required paperwork.

Knowledge, Skills and Abilities

- Strong knowledge of technology, computers, related software applications and current marketing techniques.
- Demonstrated experience in coordinating activities and events.
- Ability to exercise judgement and discretion.
- Ability to recognize problems, identify alternative solutions, program and project consequences of proposed actions and make appropriate recommendations.
- Excellent verbal and written communication skills.
- Ability to prioritize and complete tasks in a timely manner.
- Firm understanding of procedures that increase efficiency.
- Knowledge of bookkeeping and budgeting processes.
- Ability to prioritize and manage multiple responsibilities.
- Ability to provide exceptional customer service.
- Ability to compile and interpret data and information.
- Strong writing skills
- Available for night and weekend activities

Preferred Qualifications

College degree in Recreation Management, or related field; plus four (4) years' experience working in recreation, childcare, summer camp, event management or similar field. Strong supervisory/leadership, technology, and social media experience.

Special Requirements

- Recognition by the National Recreation and Parks Association as a Certified Park and Recreation Professional (CPRP), or the ability to obtain certification within one (1) year of employment.
- Red Cross CPR, First Aid, AED certifications or ability to obtain certifications with one (1) year of employment.
- Must possess and maintain a valid Connecticut driver's license with a clear driving record.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch or crawl. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee works in an office setting as well as in outside weather conditions. May require long periods of sitting in a hot, cold, humid, wet, or noisy environment or be exposed to airborne particles. The noise level in the work environment is usually quiet in the office and moderate to noisy in the field. Must be able to hear distress noises and hear distress signals in a noisy recreational environment including anywhere in the zone responsibility or outdoor recreational environment. Must be able to perform physical requirements of all certifications.

General Guidelines

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change. This is a non-exempt position.

Finance Department

Memo

To: David Cox, Town Manager
From: Jeff Jylkka, Finance Director
Date: 02/08/2024
Re: Reaffirm Fire Award Program trustees

At the March 12, 1991 Town Council meeting, the Town Council appointed trustees to the newly created Volunteer Firemen's Pension Plan (Plan). The following positions were appointed:

- Chairman of the Board of Fire Commissioners
- Volunteer Fire Chief
- A firefighter at-large
- Town Finance Director

Staff is requesting that these positions be reaffirmed and that the current trustees be named along with the above positions. The current trustees are as follows:

- Chairman of the Board of Fire Commissioners – Darin Hurne
- Volunteer Fire Chief – Robert Rainville
- A firefighter at-large – John Kovac
- Town Finance Director – Jeff Jylkka

Town Council Meeting

-7-

March 12, 1991

Workshop - March 26, 1991

Upon motion of Mr. Devine, seconded by Mr. MacDonald, the Council will hold a workshop with the Conservation Commission, and Police Department on March 26, 1991 at 7 p.m. at the Town Hall to discuss the proposed litter ordinance. So voted.

Stealth Bomber - Northrup Corp. - Council members were encouraged to contact the legislators regarding the program.

Firemen's Award Trust/Retirement Program - Mr. Bergren reported the Volunteer Fire Company met with the Board of Finance to discuss the funding and Mr. Bergren is seeking authorization from the Council to sign the document.

Motion introduced by Mr. Hazen, seconded by Mr. Blau, that the following resolution be adopted:

"RESOLVED, That the Eat Hampton Town Council authorizes the Town Manager to execute on behalf of the town the Volunteer Firemen's Pension Plan and Trust Agreement to fulfill the town's commitment to provide an awards program for Volunteer Firemen as previously acted upon by the past Board of Selectmen.

BE IT FURTHER RESOLVED, That the trustees of the Plan are the Chairman of the Board of Fire Commissioners, Volunteer Fire Chief, a firefighter at-large and the Town Finance Director. The Plan Administrator shall be the Board of Fire Commissioners. The Plan is a nonqualified pension trust revokable to the town as outlined with a defined contribution approach to funding. It is understood that the revokable trust to the town makes it (1) nonqualified status and (2) nontaxable status." So voted.

~~Old Business - There was none to be discussed.~~

Liaison Reports

Mr. Blau reported that Maria Foss is leaving the planning department. The position will not be funded as a full-time position. An internship may be looked into. Mr. Blau noted that Mr. Carey is focusing on calling in bonds on bankrupt corporations, etc.

Mr. MacDonald reported that he attended the WPCA meeting on March 5th. There is a problem with the pump on Spice Hill because of the lack of water flow because the development was not completed. WPCA has contact Boston Five Cent Savings to see if they can resolve the problem. He also reported that the downtown water system installation will begin in 30 days. The sludge problem with Colchester has been partially resolved.

Finance Department

Memo

To: David Cox, Town Manager

From: Jeff Jylkka, Finance Director

Date: 02/08/2024

Re: Request for Approval to Change Investment Advisors - Volunteer Firemen's Pension Plan

Introduction

This memo serves as a formal request for approval from the Town Council to change the Volunteer Firemen's Pension Plan current investment advisor, Janney Montgomery Scott LLC, to Fiducient Advisors. The fire trustees voted in favor of this change at their December 11, 2023 meeting. Article II section 2.2 of the trust agreement gives the town the power to appoint one or more investment managers.

Reasons for Change

We recommend transitioning to Fiducient Advisors for the following reasons:

- **Improved Alignment with Investment Goals** to Fiducient Advisors demonstrates a strong understanding of our specific investment objectives and risk tolerance. They have a proven track record of success in managing portfolios like ours, achieving consistent results that align with our long-term goals. Fiducient Advisors has been the Town's defined benefit investment advisor since 2011 and has consistently provided quality investment advice.
- **Enhanced Investment Expertise:** to Fiducient Advisors offers broader expertise in public funds which are increasingly relevant to our investment strategy. Their specialized knowledge and experience can provide valuable insights and diversification opportunities.
- **Transparent Fee Structure:** to Fiducient Advisors offers a fee structure that is transparent, potentially resulting in cost savings/better value for our investment dollars.
- **Improved Communication and Reporting:** Fiducient Advisors emphasizes transparency, accessibility and frequent communication, which will enhance the trustees understanding of investment decisions and performance.

Conclusion

The trustees believe that changing investment advisors to Fiducient Advisors is in the best interests of the members of the fire department. We are confident that this change will enhance our investment performance, improve transparency and communication, and ultimately protect and grow the members assets.



East Hampton Police Department
1 Community Drive
East Hampton, CT 06424



Dennis Woessner
Chief of Police

February 6, 2024

To: David Cox, Town Manager

From: Dennis Woessner, Chief of Police

Subject: General Order approval

Attached to this memorandum is one General Orders which I am submitting for approval:

General Order 5.5, Family Violence, is an existing General Order which required updating to reflect the changes made to the Statewide Model Policy for Police Response to Crimes of Family Violence (Revised January 2024). This update is required to be in compliance with the Police Officer Standards and Training Council (POSTC) Accreditation Standards. As a result of the number of changes made to the policy, thirteen, POSTC decided to issue a brand new policy.



EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 5.5

PATROL FUNCTIONS

SUBJECT: FAMILY VIOLENCE		
Issue Date: TBD	Effective Date: TBD	Distribution: All Personnel
Amends/Rescinds GO: Dated 01/13/2021		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. **See Attached** POLICE RESPONSE TO CRIMES OF FAMILY VIOLENCE CONNECTICUT STATEWIDE MODEL POLICY REV. JANUARY 2024

**Connecticut
Statewide Model Policy**

**Police Response to
Crimes of Family
Violence**



**Model Policies, Procedures and
Guidelines**

Revised January 2024

Police Response to Crimes of Family Violence

Model Policies, Procedures and Guidelines

Revised: January 2024

TABLE OF CONTENTS

I. FORWARD	1
II. MODEL POLICY PURPOSE	2
III. FAMILY VIOLENCE DEFINITIONS	3
IV. ORDERS OF PROTECTION (OOP)	5
V. RECOMMENDED RESPONSE PROCEDURES	6
Telecommunication Personnel	6
Responding Officer Responsibilities	6
Supervisor Responsibilities.....	9
VI. ARREST GUIDELINES	9
General Considerations	9
Prohibited Considerations	10
Jurisdiction.....	11
• <i>Misdemeanor Arrests</i>	
• <i>Felony Arrests</i>	
Warrantless (On-Site) Arrest Considerations	11
Warrant Arrest Considerations	12
VII. DUAL COMPLAINTS, DOMINANT AGGRESSOR, AND SELF-DEFENSE	12
Dual Complaints	12
Dominant Aggressor.....	12
Self Defense.....	13

VIII. “OFFICER-INVOLVED” DOMESTIC VIOLENCE CASES	15
Sworn Personnel from an Outside Agency	15
Sworn Personnel from within the Law Enforcement Agency	15
IX. ORDERS OF PROTECTION	17
Domestic Violence Alert Notification/GPS Program	18
Domestic Violence Property Retrieval	19
Multiple Orders	19
Verification of an Order of Protection	19
X. WEAPONS	20
Effect of a Court Order of Protection (OOP)	20
Permit to Carry	21
Seizure of Firearms at the Location of a Family Violence Crime (Safekeeping Provision).....	21
Use or Threatened Use of Weapon in a Family Violence Crime.....	22
Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver.....	22
Seizure of Firearms from Person Posing Risk to Self or Others.....	22
XI. FEDERAL DOMESTIC VIOLENCE LAWS	24
Summary of Applicable Federal Violence Against Women Act Sections.....	24
XII. COMPARISON OF ORDERS OF PROTECTION.....	26

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”);
- Serve as a minimum standard for all law enforcement agencies to follow with the opportunity to add enhancements that 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 CGS [§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" includes any violation of sections 53a-222, 53a-222a, 53a-223, 53a-223a, or 53a-223b when the condition of release or court order is issued for an act of family violence or a family violence crime. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. CGS [§46b-38a\(3\)](#) as amended by [PA 21-78](#).

“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\(5\)](#)]

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 offender's 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 order of protection ;
- 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 present or 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 (under 18 years of age) 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.
 - On and after January 1, 2023, provide the victim a copy of the documents concerning behavioral and mental health evaluation and treatment resources available to children for the mental health region in which such victim is located. [CGS § 46b-38b(f) as amended by [PA 22-47](#)]
 - [\(Link to Mental Health Resources, “CT Connecting to Care”\)](#)
 - 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)]
- 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, which includes investigations of order of protection violations, 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)]

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\(g\)\(4\)](#)]

VI. ARREST GUIDELINES

General Considerations

- Except as provided in subsection (b) and (c) of this section, whenever an officer determines probable cause 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)]
- 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(d)]
- 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 CGS [§1-210 \(19\)](#), law enforcement agencies shall redact the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, [or] injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof, or (H) uncorroborated allegations subject to destruction pursuant to section 1-216, 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\(b\)](#)]

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)]

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\(d\)](#)]

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\(e\)](#)]

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)] 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\(b\)](#)]

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 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, Hartford, Derby, and Milford courts. CGS §46b-38c as amended by PA 23-106 expands the alert notification program statewide. Over the fiscal year of 2024, the alert notification program will expand to the Waterbury, New Haven, Torrington, and Danbury courts. Additional courts will be identified in the 2025 and 2026 fiscal years. THIS ALERT NOTIFICATION SYSTEM IS DIFFERENT FROM THE PAROLE AND PROBATION ELECTRONIC MONITORING OF OFFENDERS IN THE COMMUNITY.

- Offenders who 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 person’s home, workplace, school, etc.) and the offender is instructed to avoid a 2500-foot area surrounding those areas. A protected person may also elect to fully participate, and a 2500-foot restricted area will be around that individual creating a mobile zone.
- 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 callback 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, toiletries, 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 a request for an 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 / Violation of an Order of Protection

- Any law enforcement officer may enforce any Order of Protection (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.

- A violation of the following 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](#)).
 - Conditions of Release 1st (CGS [§53a-222](#))

- A Violation of Conditions of Release 2nd (CGS [§53a-222a](#)) is a misdemeanor unless imposing restraint, threatening, harassing, assaulting, molesting, sexually assaulting, or attacking a person in violation of the conditions of release is a class D felony.

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\(a\)\(2\)](#)]

- Persons 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 ... CGS [§53a-217](#) and [§53a-217c](#)

- 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 violation of section CGS [§21a-279](#) on or after October 1, 2015, or a misdemeanor violation of section [53a-58](#), [53a-61](#), [53a-61a](#), [53a-62](#), [53a-63](#), [53a-96](#), [53a-175](#), [53a-176](#), [53a-178](#) or [53a-181d](#) committed on or after October 1, 2013, and during the preceding twenty years, or
 - 4) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section CGS [§46b-120](#), or
 - 5) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section CGS [§53a-13](#), or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section [17a-495](#), within the preceding sixty months by order of a probate court, or has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section [17a-495](#), within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was voluntarily admitted solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section [17a-680](#), or
 - 6) is subject to any other firearms prohibitions as defined in CGS [§53-217](#) and [§53a-217c](#); and
 - 7) 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, and/or electronic defense weapon should be seized as evidence of the crime.

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

Officers may consider utilizing the risk protection warrant/order as it relates to family violence when an individual poses a risk of imminent personal injury to themselves or another person, has recently engaged in specific behaviors or actions, and possesses firearms, deadly weapons, or ammunition. [CGS [§29-38c\(a\)](#)] as amended by PA 23-89.

- Recent threats or acts of violence toward themselves or others, or
- Recent acts of cruelty to animals CGS 53-247b, and additional considerations include but not limited to,
 - Reckless use, display, or brandishing of a firearm or other deadly weapon, or
 - History of the use, attempted use, or threatened use of physical force against others, or
 - Prior involuntary confinement in a hospital for psychiatric disabilities, or
 - Illegal use of controlled substances or abuse of alcohol.

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, sexual violence, 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 kill, injure, harass, or intimidate a spouse intimate partner, or dating partner. This provision is violated when a person, after the crossing, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner.

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, intimate partner, or dating partner to cross state lines or leave or enter Indian Territory and in the course of or as a result of such travel commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner.

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, harass, intimidate, or place under surveillance 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 immediate family; or a spouse, intimate partner of that person; or the pet, service animal, emotional support animal, or horse of that person.

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 violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact, or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued and subsequently engages in such conduct.
- This provision is violated when a person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian Territory by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued. ,

XI. COMPARISON OF ORDERS OF PROTECTION¹

Current to 2024

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				
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.

<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
-----------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<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"> ➤ Issued by a criminal court judge at the time of sentencing. ➤ 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 prior to Oct. 2010 could last indefinitely. ➤ 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. 	<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. ➤ 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 Standing Criminal Protective Order (C.G.S. §53a-223a) (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, 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 	<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 	

POLICE RESPONSE TO CRIMES OF FAMILY VIOLENCE
CONNECTICUT STATEWIDE MODEL POLICY
REV 12/2022

<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. 	<p>trespass, harassment, threatening, burglary, 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
				<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).

				<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 (D 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. 	

POLICE RESPONSE TO CRIMES OF FAMILY VIOLENCE
 CONNECTICUT STATEWIDE MODEL POLICY
 REV 12/2022

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



February 13, 2024

To: The East Hampton Town Council,

The documentation for the tax refunds listed below is available in the Office of the Collector of Revenue for your review. There are eleven (11) refunds totaling \$7,522.83.

Respectfully Submitted,

Kristy L. Merrifield, CCMC
Collector of Revenue

0. (U)

199.20 (U)

16.63 (U)

5.33 (U)

99.34 (U)

60.53 (U)

423.83 (U)

33.32 (U)

6,365.77 (U)

46.12 (U)

22.72 (U)

250.04 (U)

011

7,522.83 (U)

BOARD AND COMMISSION SUMMARY JANUARY 2024

Arts & Culture Commission

The Arts & Culture Commission met on January 18. Members of the Commission presented the Art Purchase Award to Memorial School. The grant applications that were received were reviewed and the Garden Tour and the budget were discussed. It was decided to not renew the Arts and Culture website. The town website will be utilized as well as social media.

Board of Finance

The Board of Finance had a virtual meeting via Zoom on January 16th. All members were in attendance. All topics discussed were informational only and did not require any action. Topics included FY 2024 status and continued revisions to the FY 2025 Budget Calendar.

Brownfields Redevelopment Agency

The Brownfields Redevelopment Agency met on January 22. The Town Manager gave the members a report on the town. There was discussion of the next steps for working with VHB. The members made a motion to suggest the Town Council recommend approval of the cost estimates in the contracts from VHB in the amount of \$6,500. There was brief discussion of collaborating with the Clean Energy Task Force on the State solar programming.

Clean Energy Task Force

The Clean Energy Task Force met on January 2. The work groups for Community Solar, Shared Clean Energy Facilities (SCEF), Electric Vehicle Charging and Sustainability presented their recent work. The group also discussed the 2024 Electric Vehicle Show.

Commission on Aging

The Commission on Aging met on January 11. The Commission received an update from the Senior Center Director. The Housing, Transportation and Health & Wellness Working Groups provided an update on their progress. The EH Community Cares (EHCC) has raised a total of \$12,700. There are now 21 volunteers, 20 deed requests and 31 deeds completed.

Conservation-Lake Commission

No meeting

Design Review Board

The Design Review Board met on January 25. The members reviewed and discussed the plan review for a sign for the veterinary clinic moving to 9 Middle Haddam Road. The members recommended the application be approved as submitted with some conditions involved.

Economic Development Commission

No meeting

Ethics Commission

No meeting

Fire Commission

The Fire Commission met on January 8. The members approved of the purchase of new gloves and helmets, and the purchase of two sets of gear for the Fire Chief. The members discussed the 2025

budget, loaning Engine 4-12 to Portland, members to attend training at the Maryland Fire Academy, and the 2023 stipend.

Inland Wetlands Watercourses Agency

The Inland Wetland Watercourses Agency met on January 31.

Continued Applications:

- A. Application IW-23-022: Ryan Hulburt, 63 Spellman Point Rd, Pave driveway in Upland Review Area. Map 09A/ Block 70A/ Lot 35. Vice-Chairman Kavalkovich made a motion to continue application IW23-022 to the next regularly scheduled meeting. Mr. Johnson seconded the motion. Vote: 4-0
- B. Application IW-23-022: Robert Grillo, 11 Pine Trail, Repair stone barrier/retaining wall along Lake Pocotopaug Shoreline within Upland Review Area. Map 10A/ Block 780/ Lot 5/2. Vice-Chairman Kavalkovich made a motion to approve application IW-23-022 with modifications. Mr. Wall seconded the motion. Vote: 4-0

New Applications:

- A. Application IW-24-001: West High Enterprises, 195 West High Street, Construction of a Commercial Building in Upland Review Area. Map 12/ Block 36/ Lot 3. Vice-Chairman Kavalkovich made a motion to continue application IW-24-001 to the next regularly scheduled meeting. Mr. Wall seconded the motion. Vote: 4-0
- B. Application IW-24-002: Paul Catalano, 33 Spellman Point Rd., Landscaping and install swim spa in Upland Review Area. Map 09A/ Block 70A/ Lot 25. Mr. Wall made a motion to continue application IW-24-002 to the next regularly scheduled meeting. Mr. Johnson seconded the motion. Vote: 4-0

Joint Facilities

The Colchester- East Hampton Joint Facilities met on January 16. The Board reviewed and discussed the recommended operating and revenue budget for 2024/25 fiscal year. Any changes or corrections will be made at the February 20th meeting. Mr. Clayton shared AECOM's preliminary design recommendations for the Middletown Avenue pump station. A presentation will be given by AECOM to the Board in March. Mr. Cerreta reported on Operations and Maintenance for November and December.

Library Advisory Board

The Library Advisory Board met on January 8. A candidate has been offered the position of Children's Librarian. Members received an update on the strategic planning process and the 2024-2025 budget request. The Friends of the Library have a fundraiser planned at Rule of 3 Brewing of a Latin Dance Lesson and food truck.

Middle Haddam Historic District Commission

No meeting

Parks & Recreation Advisory Board

The Parks & Recreation Advisory Board met on January 2. Members received an update on the recreation programming and the golf tournament. In the coming weeks there will be job postings for the Office Assistant and Program Coordinator. The Jeffrey Leith scholarship was reviewed. Members received an update on the budget and capital requests.

Planning & Zoning Commission

The Planning & Zoning Commission met on January 3.

Election of Officers:

- A. Ray Zatorski made a motion to nominate Kevin Kuhr as Chairman. Rowland Rux seconded the motion. There were no other nominations for Chairman. Roy Gauthier made a motion to close nominations and Ray Zatorski seconded the motion. Vote: 8-0 in favor.
- B. Rowland Rux made a motion to nominate Ray Zatorski as Vice-Chairman. Roy Gauthier seconded the motion. There were no other nominations for Vice-Chairman. Roy Gauthier made a motion to close nominations. Vote: 8-0 in favor.

Public Hearings:

- A. PZC-23-015: Text Amendment regarding Accessory Uses to Agriculture per Sec. 8.4.C Ray Zatorski made a motion to continue the public hearing to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. Vote: 8-0 in favor Ray Zatorski made a motion to continue the application to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. Vote: 8-0 in favor
- B. PZC-23-017: Salt Pond Apartments, LLC, Edgewater Circle, Re-subdivision approval for the creation of 2 lots. Map 10A/Block 85/Lot 5C. Ray Zatorski made a motion to close the public hearing for the application. Rowland Rux seconded the motion. Vote: 8-0 in favor. Ray Zatorski made a motion to approve the application with the following modifications: Town Staff review and approve documents prior to filing of the re-subdivision; all conditions of IWWA permit are met prior to filing of documents for re-subdivision. Rowland Rux seconded the motion. Vote: 8-0 in favor.
- C. Text Amendment Regarding Required Setbacks on Non-Conforming Lots in the R-1 Zone: Section 8.2 of the East Hampton Zoning Regulations Ray Zatorski made a motion to continue the public hearing to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. Vote: 8-0 in favor. Ray Zatorski made a motion to continue the application to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. Vote: 8-0 in favor.

New Business:

- A. PZC-24-001: Jessicas Designed Landscapes, LLC, 87 Main Street, Site Plan Modification in VC Zone – Section 5.1.B, Retail to Restaurant. Map 06A/ Block 61/ Lot 7. Ray Zatorski made a motion to continue the application to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. Vote: 8-0 in favor.

Old Business:

- A. PZC-23-016: David & Melissa Baribault, 33 High Point, Gravel Path, Shed and Stairs in Conservation Easement. Map 02C/Block 9/Lot 12/8. The application was continued to the next regular scheduled meeting of February 7, 2024. B. Follow up discussion regarding vegetated buffer at 265 West High. Commission Members discussed and no motions were made.

Water Pollution Control Authority

The East Hampton WPCA met on January 2. Mr. Clayton informed the Board that he is officially retired. He will be staying on part time to supply the State license requirements and provide the budget reports. The Public Utilities Administrator position is still pending.

Zoning Board of Appeals

The Zoning Board of Appeals met on January 8.

Public Hearings:

- A. ZBA-23-010: David Spinato, 7 Oakum Dock Road, Reduce front setback from 50' to 12'.5" and rear setback from 50' to 40' for addition. Map 01C/Block 9A/Lot 2. Mr. Pfaffenbach made a motion to approve the application as presented. Vice Chairman Reed seconded the motion. Vote: 5-0

New Business:

- A. Annual Review of Bylaws. Continued to the next regularly scheduled meeting.