

EAST HAMPTON TOWN COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 27, 2022  
TOWN HALL COUNCIL CHAMBERS - ROOM #107 AND VIA ZOOM  
6:30PM  
*(All items on this agenda are subject to possible action.)*

AGENDA

1. Call to Order & Pledge of Allegiance
2. Adoption of Agenda
3. Approval of Minutes
  - a. Regular Meeting of September 13, 2022
4. Public Hearing on an Amendment to Chapter 155 of the Code of the Town of East Hampton Regarding Extending a Moratorium on Certain Activities Related to Adult-Use Cannabis
5. Public Remarks – Please use the “Raise Your Hand” feature to be recognized. Comments are limited to 3 minutes per person.
6. Presentations
7. Bids & Contracts
  - a. Consideration of a motion to waive the competitive bidding process and award a contract roof replacement at Fire Station #1
8. Resolutions/Ordinances/Policies/Proclamations
  - a. Consideration of a motion to approve Ordinance 2022.03, An Ordinance to Extend the Moratorium on Certain Activities Related to Adult-Use Cannabis
9. Continued Business
  - a. Sub-Committee Reports & Updates
  - b. Receipt, discussion and possible action regarding recommendations from the Commission on Aging regarding older adult transportation, housing, health and wellness.
10. New Business
  - a. Consideration and possible action regarding the fees and regulations related to Amusement Devices
  - b. Consideration of Library Policies
    - i. Consideration and action regarding an update to the Library Circulation Policy
    - ii. Consideration and action regarding a proposed Library Proctoring Policy
  - c. Consideration of Police Department Policies/General Orders
    - i. Consideration and action regarding General Order 3.1 Use of Force
    - ii. Consideration and action regarding General Order 3.2 Conducted Electrical Weapon
    - iii. Consideration and action regarding General Order 3.5 Reporting and Investigating Force
    - iv. Consideration and action regarding General Order 3.7 Firearms Policy
    - v. Consideration and action regarding General Order 3.8 Patrol Rifle
    - vi. Consideration and action regarding General Order 9.5 In-Service, Roll Call, and Advanced Training

- d. Discussion and possible action related to a request from the East Hampton VFW Post for ARPA assistance
  - e. Consideration and possible action regarding updates to the Assistant to the Tax Collector (Tax Clerk) Job Description.
11. Town Manager Report
  12. Appointments
  13. Tax Refunds
  14. Public Remarks – See above instructions
  15. Communications, Correspondence & Announcements
  16. Adjournment

**Please click the link below to join the webinar:**

<https://us02web.zoom.us/j/82321742070>

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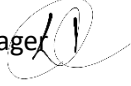
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## MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: September 22, 2022

SUBJECT: Agenda Information – 9/27/2022

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. Often, these conversations can help staff and me be prepared for the Council meeting and be ready to facilitate a more productive and efficient meeting for everyone.

### **7 Bids and Contracts**

**7a Request to waive bidding requirements for roofing work at Fire Station #1** – In follow up to the discussion at the last meeting, the Council is asked to make a final determination regarding waiver of the bidding requirements and to award a contract for roofing work at Fire Station #1. Pursuant to Town Code, the Council's intent to waive bidding and approve award of a contract as determined at the last meeting was published in the newspaper. As a reminder, staff has received three quotations for the project to remove existing roofing and damaged insulation and replace the entire system but did not follow the sealed bidding process of developing written specifications, publishing the work and holding a bid opening. Staff is recommending the low proposer, Bert Dorr Roofing Company, Inc. of Middlefield, for the project in the amount of \$44,700. If roof structure repairs are needed, some additional work may be required, however, this is not anticipated.

Recommendation: Waive competitive bidding and approve a contract with Bert Dorr Roofing Company in the amount of \$44,700.

### **8 Resolutions/Ordinances/Policies/Proclamations**

**8a An Ordinance to extend the moratorium on Adult Use Cannabis activities** – The Council is asked to consider an ordinance to amend and extend the moratorium in place regarding all Adult-Use (recreational) Cannabis activities. The original moratorium was put in place in October 2021 and is set to expire on October 1, 2022. Based on the Council's determination, the Planning and Zoning Commission is considering regulations to allow these uses. At its meeting on September 7, 2022, the Planning and Zoning Commission set a public hearing for its October meeting to accept comments on the draft regulations that have been created. It is anticipated that the regulations would be adopted and in effect before the end of 2022. Accordingly, the Council is asked to extend the moratorium to December 31, 2022 or the effective date of the new regulations, whichever occurs first. In accordance with the Town's charter, the Council set a public hearing on the proposed change for this meeting and

notice of that hearing was properly published. Notwithstanding comments from the public hearing, adoption of the ordinance is recommended.

Recommendation: Approve the Ordinance extending the moratorium.

**9 Continued Business**

**9b Commission on Aging Report and Recommendations** – The Council will receive a report from members of the Commission on Aging that includes recommendations for the Town and Town Council on future actions. After the presentation, the Council will have an opportunity to discuss the recommendations and consider what actions it may wish to take.

**10 New Business**

**10a Consideration of options related to the Town’s Amusement Devices regulations** – The Council received public comment at its last meeting from the owner of a proposed arcade business expressing concern about not only the fees associated with amusement devices, but also the general provisions of the Town Code as it relates to the licensing of devices and the restrictions on the business. In short, the business owner requested the Council to repeal the entire regulation. The Council is asked to consider the request and to determine how it wishes to proceed. As the Council will recall, an amendment to the Code will require drafting of an ordinance, review of the ordinance, public hearing and adoption, which would take at least a month and would depend on the extent to which the ordinance is amended. While modification of the Code either through amendment or appeal requires an ordinance, the modification of fees is a simple motion. The Council could amend the Fee Schedule to provide relief if it determined such relief was appropriate. If the fees were adjusted, the owner would still be required to adhere to the ordinance requirements.

Recommendation: Determine how to proceed.

**10b Consideration of Library Policies** – The Council is asked to review and consider two policies for the Library as described in Library Director Kellogg’s memorandum included in this agenda packet. The first is an update to the Library Circulation Policy to clarify that the materials may be borrowed by anyone with a valid public library borrower card from any Connecticut library. It further clarifies that specific borrowing terms may be applied to certain types of materials. In general, these updates clarify the current practice as it relates to books and similar material, which may be returned to any library in the state. However, it does clarify that certain materials identified as “Special Collections” owned by East Hampton Library may only be received from and returned to the East Hampton Library. They will not be moved through the State or LION delivery systems. The second policy is a new policy that provides for proctoring of tests at the Library. This is a new policy being proposed in response to requests and increases in need for this type of service. Both policies have been reviewed and recommended by the Library Advisory Board.

Recommendation: Approve the policies.

**10c Consideration of Police Department General Orders** – The Council is asked to review and consider updates to six existing General Orders as described in Chief Woessner’s memorandum. All are being updated to reflect changes directed by the Police Officer Standards and Training (POST) Council. One order (3.8, Patrol Rifle) includes some redactions related to sensitive operational information not appropriate for release to the general public.

Recommendation: Approve the General Orders

**10d Consideration of a request from the VFW Post for ARPA support** – At the request of two Council members, this matter is placed on the agenda for Council consideration. As the attached letter from the Post Commander, VFW Post 5095 is requesting \$10,000 from the Town’s American Rescue Plan Act funds to offset lost revenue it experienced during the height of the COVID pandemic and support its ongoing assistance work to veterans. The Council’s ARPA subcommittee will be meeting prior to the Council’s regular meeting and may make a recommendation on the matter.

Recommendation: Determine whether funds will be offered.

**10e Consideration of an updated Assistant to the Tax Collector job description** – The Council is asked to review and consider an updated job description for the Assistant to the Tax Collector (Tax Clerk) position. The position is currently vacant and before advertising it to replace the previous employee, staff has updated the language to better reflect the work expectations and to update the minimum requirements for the position. The description has been reviewed by the Union covering the position and it is in agreement with the updates.

Recommendation: Approve the revised job description.

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, September 13, 2022  
Town Hall Council Chambers and Zoom

**MINUTES**

**Present:** Chairman Mark Philhower, Vice Chairman Tim Feegel, Council Members Pete Brown, Brandon Goff, Eric Peterson, Kevin Reich and Alison Walck and Town Manager David Cox.

**Call to Order & Pledge of Allegiance**

Chairman Philhower 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 Ms. Walck, seconded by Mr. Reich, to amend the agenda to include a Moment of Silence on the passing of Queen Elizabeth. Voted (7-0).

**Moment of Silence**

A moment of silence was observed for Queen Elizabeth.

**Approval of Minutes**

A motion was made by Ms. Walck, seconded by Mr. Goff, to approve the minutes of the Town Council Regular Meeting of August 9, 2022 and Special Meeting of August 12, 2022 as written. Voted (7-0)

**Public Remarks**

Brian Joy, owner of the arcade on Summit Street, commented with his frustrations about an ordinance regulating amusement devices and the \$100 per machine fee per year and the antiquated requirements in place to open his business. Chairman Philhower suggested he contact the Town Manager to have an item placed on the next Council agenda.

Russ Kaplan, Chairman of the Clean Energy Task Force and Lorry Belanger, Vice Chairperson of the Clean Energy Task Force, provided an update on the activities of the Task Force and invited the Town Council members to the Electric Car Show on September 24. A written statement of his remarks will be included in the minutes filed in the Town Clerk's Office.

**Presentations**

None

**Bids & Contracts**

**Contract Award for Lake Pocotopaug Watershed Improvements Project 1-6**

Parks & Recreation Director Jeremy Hall provided an overview of the Lake Pocotopaug Watershed Improvements Projects 1-6. The low bidder is Priority Landscaping, LLC at \$232,050. Chairman Philhower noted his concern regarding area 2 which is the Edgewater/Town Hall Pond being included since this area is private property.

A motion was made by Mr. Goff, seconded by Mr. Reich, to award the bid for the Lake Pocotopaug Watershed Improvements Project Areas 1-6 to Priority Landscaping LLC in the amount of \$232,050. Voted (7-0)

Mr. Hall also noted that there was a project put out to bid for Areas 7 & 8 but no responses were received for this bid.

### **Resolution/ Ordinances/ Policies/ Proclamation**

#### **Review Ordinance to Extend the Moratorium on Certain Activities Related to Adult-Use Cannabis**

Mr. Cox provided an overview of the amendment to the Ordinance to extend the moratorium on certain activities related to adult-use cannabis. The amendment would extend the moratorium to December 31, 2022 or upon the effective date of regulations established by the Planning & Zoning Commission, whichever occurs earliest.

A motion was made by Mr. Goff, seconded by Mr. Feegel, to set a public hearing on the amendment to the ordinance extending a moratorium on certain activities related to adult-use cannabis for September 27, 2022 at 6:30pm during the regular Town Council meeting. Voted (7-0).

### **Continued Business**

#### **Sub-Committee Reports & Updates**

Mr. Reich reported that the High School Athletic Fields Committee met at the High School and toured the project areas. A punch list was created for final issues and the project will be considered complete once the punch list is completed.

Mr. Cox reported on the Water Sub-Committee noting that the drilling and testing at Pine Brook was delayed due to issues with the original contractor. A contractor has been hired and the drilling and testing will take place and then they will flush the system at Oakum Dock and test there.

#### **Update on 3 Walnut Avenue Property**

Mr. Cox provided an overview of the plans for 3 Walnut Avenue. The plans include the development of a multi-use/multi-purpose space that includes parking and other uses. As this is a Brownfields site, the soils on the site may be contaminated based on information in the town's files. The Brownfields Redevelopment Agency is currently working on a grant application for Federal EPA funds to cover the cost of the necessary soil evaluation at the site so that the appropriate remediation can be planned as part of development. The full details are included in the documents filed with the minutes in the Town Clerk's Office.

### **New Business**

#### **Consideration to Waive Bidding for Fire Station #1 Roof**

Mr. Cox reported that the Facilities Director is requesting the competitive bidding process be waived in favor of three quotes for the Fire Company #1 roof replacement.

A motion was made by Mr. Peterson, seconded by Mr. Feegel, to consider the bid waiver for the Fire Company #1 roof replacement. A notice will be posted in the newspaper regarding the bid waiver and the item will be considered at the September 27, 2022 Town Council meeting. Voted (7-0)

### **Town Manager Report**

Mr. Cox provided his written report for the Council members which will be included with the minutes filed in the Town Clerk's Office. Mr. Reich asked for an overview of the 9 Town Transportation and Dial-A-Ride. Mr. Cox noted that the Estuary 9 Town Bus Service and Middletown Area Transit merged in the summer and are now providing additional transportation in town including for seniors and handicapped riders. Mr. Reich also asked if the grant for the new Senior Center bus was received. Mr. Cox reported that the town did receive the 100% funded grant but are still waiting for the vehicle.

### **Appointments**

#### **Appointments Sub-Committee Recommendations**

A motion was made by Mr. Goff, seconded by Mr. Reich, to appoint the following:

- Nico Guerrero – Clean Energy Task Force
- Margaret Wilcox – Conservation-Lake Commission Alternate
- Jason Hartling – Conservation-Lake Commission Alternate
- Kim Crabbe – Park & Recreation Advisory Board
- Amie Meacham – Library Advisory Board

Voted (7-0)

A motion was made by Mr. Goff, seconded by Mr. Reich to reappoint the following:

- Victoria Minor Man – Brownfields Redevelopment Agency
- Cheryl Lobo, Marty Podskoch & Alternate Nico Guerrero – Conservation-Lake Commission
- Zachary Nelson – Design Review Board
- Dean Kavalkovich, Scott Hill & Peter Wall – Inland Wetlands
- David Terry – Water & Sewer Commission

Voted (7-0)

#### **Creation and Appointment of Members for Bevin Park Monument Committee**

Chairman Philhower appointed the following individuals to the Bevin Park Monument Committee:

- John Tuttle
- Melissa Engel
- Tom Portelance
- Eric Peterson
- Brandon Goff - Chairman

### **Tax Refunds**

A motion was made by Ms. Walck, seconded by Mr. Goff, to approve tax refunds in the amount of \$5,186,84. Voted (6-0-1). Mr. Reich abstained.

### **Public Remarks**

None



**Communications, Correspondence & Announcement**

**August 2022 Board & Commission Summary**

Council members received the August 2022 Board & Commission Summary.

**Adjournment**

A motion was made by Mr. Reich, seconded by Mr. Feegel, to adjourn the meeting at 7:15pm. Voted (7-0)

Respectfully Submitted,

Cathy Sirois  
Recording Clerk

MEMORANDUM

TO: David E. Cox, Town Manager

FROM: Steve Fontanella, Director of Facilities

DATE: September 8, 2022

SUBJECT: Fire Station #1 Roofing Project

Attached are three quotes to replace the center section of the roof of Fire CO1. I am requesting to waive competitive bidding in favor of the 3 quotes received.

The quotes are to remove the existing roofing and insulation, Install new insulation and 60 Mil EPDM roof membrane and appropriate flashing on the roof perimeter. Existing drains will remain, and all roof penetrations will be new. All materials will be provided to insure proper pitch to the drains. All quotes provide a 20 year warranty.

The low bid is from Bert Dorr Roofing. I would also allow for any damaged decking to be replaced if needed at a cost of approximately \$6.80 per sq ft. If we budget \$50,000 for this project, I feel we will be covered in case of unforeseen issues. We just cannot tell the condition of the roof deck until we remove the insulation. Prices have dramatically increased across the board over the last year.

If you have any questions, please feel free to call me.

SF

# Bert Dorr Roofing Company, Inc.

General Roofing Contractor

860.349.3709

PO Box 241

Middlefield, CT 06455

[www.bertdorroofing.com](http://www.bertdorroofing.com)

Dated: August 24, 2022

**Proposal Submitted to:**

Steve Fontanella  
C/o East Hampton Fire Department  
860-894-9819

**Job Location:**

3 Barton Hill Rd.  
East Hampton, CT 06424  
Middle roof

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We hereby submit specifications and estimates for:

**A new, fully adhered .060 EPDM roof system over middle roof**

Work to be performed:

1. First, we will remove existing EPDM, fiberboard insulation, and aluminum edge-metal.
2. Existing BUR will remain, gravel to be removed.
3. Install 2-inch Polyiso insulation board over existing BUR.
4. Insulation to be adhered using two-part epoxy.
5. Fasten a 2x4 nail-board along perimeter of roof.
6. Fasten plywood along east and south side wall where middle roof meets upper roof.
7. Install a new, fully adhered .060 EPDM roof system.
8. Seams in EPDM to be bonded using six-inch seam-splice tape.
9. All inside corners and penetrations to be flashed according to manufacturer spec.
10. New EPDM to extend up knee-walls, terminating at upper roof.
11. Install new .040 aluminum edge-metal along perimeter.
12. Edge-metal to be flashed using cured EPDM cover strip.
13. New EPDM roof to be flashed into existing drains.
14. Grounds to be kept clean and all debris removed.

Notes:           LTTR of new insulation = 11.4  
                      Weight of new roof approximately 0.83LBS/SQFT

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We propose to furnish material and labor – complete in accordance with above specifications for the sum of:

**Total:**  
**Forty-four thousand seven hundred dollars** **(\$44,700.00)**

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30YD roll-off dumpster on-site for duration of roof removal

**Guarantee:** Any leaks occurring within a period of **ten (10)** years from job completion will be repaired without charge. Guarantee applies to defective material and workmanship furnished by Bert Dorr Roofing only. There is no guarantee for leaks arising from foot-traffic, weather, acts of God, or the installation of any rooftop equipment (e.g., units, signs, posts, wires, satellites, poles, hatches, etc.). No liability is assumed for damage to building or its contents. Guarantee only valid if full payment has been made within 30 days of job completion.

A one-third deposit of:  
**Fourteen thousand nine hundred dollars** **(\$14,900.00)**  
is required prior to the start of work.  
Final payment due within 30 days of job completion.

All material is guaranteed to be as specified. All work to be completed in a workman-like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation insurance. Sheet metal work not included in guarantee. We reserve the right to withdraw this proposal if it is not accepted within thirty (30) days.

Authorized By:  
Michael Salvatore

**Acceptance of proposal:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# HERITAGE SYSTEMS, INC.

348 Huntingdon Avenue, Waterbury, CT 06708 (203)-755-2101~Fax (203) 755-2774  
Website: [www.heritage-systems.com](http://www.heritage-systems.com)

## Roof Proposal

Proposal #081321-07

SUBMITTED TO: <a href="mailto:sfontanella@easthamptonct.org">sfontanella@easthamptonct.org</a>	PHONE	FAX	DATE
<b>Steve Fontanella     Director of Facilities</b>	<b>860-365-4000</b>		<b>8/13/21</b>
COMPANY	JOB NAME		
<b>East Hampton Public Schools</b>	<b>Fire House</b>		
STREET	JOB LOCATION		
<b>1 Community Drive</b>	<b>3 Barton Hill Rd., East Hampton CT</b>		
CITY, STATE AND ZIP CODE	TOTAL PAGES:		
<b>East Hampton CT    06424</b>	<b>2 Pages</b>		

*We propose to furnish all materials, labor, tools, equipment, taxes and insurance to perform the work outlined below for the price of:*

**Lump Sum Price Excluding Taxes:**

**\$46,680.00**

### Scope of Work

#### (Roof B)

**Please see attached roof image**

1. Provide roof top safety to meet OSHA standards and Heritage System's Safety Program.
2. Remove existing roofing and insulation as non-hazardous materials to the metal deck and dispose properly.
3. Inspect the steel deck and replace any deteriorated deck on a unit price basis; \$6.80/square foot if required.
4. Provide wood blocking fastened to the existing wood blocking to match the new roof insulation thickness.
5. Provide R-30 polyisocyanurate roof insulation mechanically fastened to the steel deck.
6. Provide adhered 60 mil EPDM membrane per manufacturer's standard specification.
7. Provide EPDM membrane flashings at all roof penetrations including at roof drains, scuppers, curbs and sleepers.
8. Provide .040' thick aluminum sheet metal flashings at the roof perimeter.
9. Provide roofing manufacturer's 20 Year Warranty.

**Terms of Payment:** Upon Completion

***\*Re-Roof Disclaimer:***

As neither Heritage Systems itself nor its representatives practice architecture, Heritage Systems offers no opinion on and expressly disclaims responsibility for the soundness of any structure on which the above scope of work is to be applied. If questions arise as to the soundness of a structure or its ability to support the planned installation properly, the owner should obtain opinions of competent structural Engineers before proceeding. Heritage Systems accepts no liability for any structural failure or resultant damages and no Heritage Systems representative is authorized to vary this disclaimer. Heritage Systems, Inc. is to be indemnified from claims related to mold, mildew, or indoor air quality.

Please note that deck vibration due to roof tear off and installation of the new roof may cause excessive dust and/or improperly secured fixtures to fall from the underside of the roof structure during installation. Heritage Systems, Inc. cannot be held responsible for these occurrences. It is the owner's responsibility to safeguard and protect the areas and machinery beneath the roof. In addition, Heritage Systems, Inc. cannot be held responsible for damage to conduits or other devises if they are attached to the underside of the deck or structure.

Thank you for giving us the opportunity to price the roofing at this facility to you. Please do not hesitate to contact me to discuss this proposal further.

**By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** 8/13/21  
**Bill Bernhardt**

All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Any alteration or deviation from the specifications above involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our company is fully insured for Workmen's Compensation, General Liability, and Automobile Coverage.

**Agreement:**

If you are in agreement with the proposed pricing and scope of work as clarified in this proposal, please sign and date below. By signing this proposal, you agree to contract/subcontract Heritage Systems to furnish and install the roofing and sheet metal work as clarified in this proposal. This signed proposal shall serve as the "Letter of Intent" for Heritage Systems to proceed with the scope of work at your direction. Customer is to be responsible for any and all legal fees and court costs incurred in any collection processing necessary.

**Signature:** \_\_\_\_\_

**Print Name and Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

***Please visit our website at [www.heritage-systems.com](http://www.heritage-systems.com)***



Offshore Construction, Inc.  
280 Hartford Road  
Manchester, CT 06040

August 9, 2022

Steve Fontanella  
Director of Facilities  
(860) 894-9819  
sfontanella@easthampton.org

Offshore Construction, Inc. is please to provide the following quote for roof work at the East Hampton Fire Department, 3 Barton Hill Rd. East Hampton, CT.

**Scope:**

Remove existing roofs (2) BUR plys and gravel in hot asphalt, overlaid and fastened to that system is ½" hard board and EPDM fully adhered.  
The Decking is a Tectum deck.

New roof:

Install new base sheet over Tectum deck and mechanically fasten to deck with twin loc fasteners (used for Tectum Deck)

Install new 2" Polyiso insulation adhered to the base sheet.

Install new polyiso 1/8" per foot tapered insulation adhered to 2" Polyiso.

Install new 060 EPDM Fully Adhered to insulation.

Existing drains to remain

All new penetration and wall flashings

New Metal edge using 040 Aluminum Kynar, color to be chosen by owner from manufactures standard color selection.

This new system carries a manufacturer's 20-year warranty.

Pricing includes Bond

Pricing Excludes Tax and permit

**Total : \$96,175.80**

Thank you,

Ashley Greenbacker  
President

Town of East Hampton  
Middlesex County, Connecticut

DRAFT – September 8, 2022

**Ordinance No. 2022.03**

**An Ordinance Regarding Extending a Moratorium on Certain Activities  
Related to Adult-Use Cannabis**

**WHEREAS**, the Connecticut General Assembly passed legislation that legalizes adult use of cannabis in the State of Connecticut, which legislation was approved as Senate Bill No. 1201, June Special Session, Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (hereinafter “the Act”), and;

**WHEREAS**, the Act contains provisions allowing municipalities to prohibit or place reasonable restrictions on cannabis establishments and activities, and;

**WHEREAS**, the Town Council, in consultation with the East Hampton Planning and Zoning Commission, determined that careful and planful consideration of appropriate prohibitions or regulations related to Adult-Use Cannabis required more time than is available under the Act before State of Connecticut licenses or permits could be issued for the various retail, growing, processing and consumption activities addressed in the Act, and;

**WHEREAS**, the Planning and Zoning Commission is in the process of developing and finalizing appropriate regulations related to Adult Use Cannabis and said regulations will not be effective prior to the planned expiration of the moratorium, and;

**WHEREAS**, the Town Council established a moratorium on certain adult-use cannabis activities on October 12, 2021, which moratorium was set to expire on October 1, 2022, and which the Town Council has determined shall be extended.

**NOW, THEREFORE**, pursuant to Section 2.4 of the Town of East Hampton Charter, the Town Council of the Town of East Hampton does hereby ordain as follows:

Section 1: Section 155-1 of the Code of the Town of East Hampton regarding Moratorium Established is hereby amended to indicate that the moratorium shall expire on December 31, 2022 or upon the effective date of regulations established by the Planning and Zoning Commission, whichever occurs earliest, as follows.

Chapter 155

Adult-Use Cannabis

§ 155-1 Moratorium Established.

For the purpose of providing sufficient time for review and consideration of appropriate prohibitions or regulations related to Cannabis Establishments as that term is used and defined in Connecticut Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis, a moratorium is hereby established and all



said Cannabis Establishments shall be prohibited. During said moratorium, the Town will not accept or consider applications or requests related to establishing a Cannabis Establishment. Said moratorium shall expire on December 31, 2022, or upon the effective date of regulations established by the Planning and Zoning Commission, whichever occurs earliest.

Section 2: This ordinance is effective immediately upon its adoption and publication in accordance with Section 2.5 of the Town of East Hampton Charter.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

TOWN COUNCIL

ATTEST

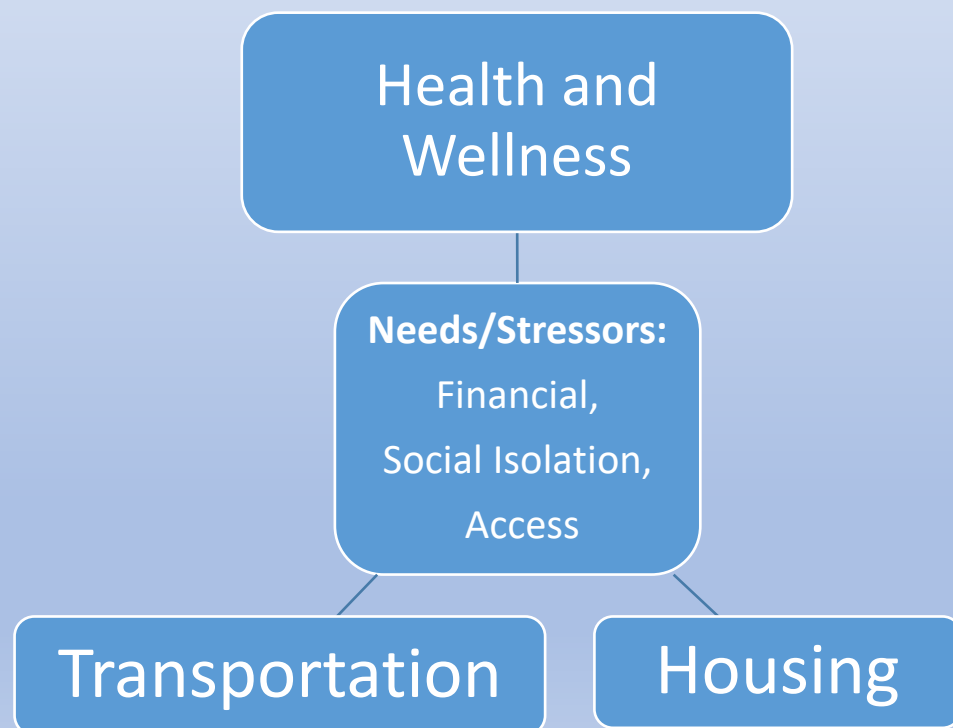
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Mark Philhower, Chairperson

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Kelly Bilodeau, Town Clerk

# East Hampton Commission on Aging Survey of Older Adults Needs Recommendations to Town Council September 27,2022



# Introduction

COA surveyed older adults' needs Sep – Oct 2021 on housing, transportation, health and wellness / affordability

482 responses, (23% response rate) - ten minutes average, “over 80 hours of testimony”

Results presented to TC already; tonight, we make recommendations to TC to address those needs.

We seek endorsement of these plans.

New resources are requested for property tax relief / remodeling credits, public water supply expansion, and building sidewalks.

East Hampton Commission on Aging  
Recommendations to Town Council

**TRANSPORTATION**

## Unmet needs for Transportation

- Safe intersections for pedestrians
- Safe sidewalks for pedestrians
- Bus scheduling, bus routes and bus stops
- Transportation to medical appointments  
(especially if over 80 y/o, or income <30k)

# Transportation Recommendations

- Intersection safety – allow adequate crossing time for older adults; work with state DOT
- Ensure adequate parking near businesses
- Increase number and length of sidewalks with annual capital budget (especially sought for Rt 66 and along lake)
- Widen lakeside sidewalk on North Main Street

# Transportation Recommendations

- Establish more convenient, regular bus routes in collaboration with MAT, the 9 town transportation companies, and CT DOT
- Erect shelters at designated stops
- Create signage for bus schedules and alternate transportation options throughout town
- Address transportation needs to medical appointments

# East Hampton Commission on Aging Recommendations to Town Council

## HEALTH & WELLNESS



# Senior Health & Wellness Programs Recommendations:

## Request actions of town departments:

- **Parks & Recreation** to create senior fitness programs
- **Board of Education** to create senior wellness instruction
- **Senior Center** to expand collaboration with departments
- **Chatham Health District** to implement health and wellness programs
- **Youth and Family Services** to expand intergenerational programs

# Health Information and Health & Wellness Resources Recommendations:

## Continued.....

- **Chatham Health District** to provide health information. 22% felt their needs were not met regarding specialty provider availability.
- **Senior Center** to identify gaps in health information delivery and improve health information delivery
- **Social Services** Department to identify strategies for providing additional referral resources.

# Health Info and Health & Wellness Resources

## Recommendations:

- **Town Manager's office to provide links on Town Website to the following:**
  - **DSS** (State of CT Department of Social Services)
  - **CHOICES** (CT's program for Health Insurance assistance, Outreach, Information and Referral, Counseling, Eligibility Screening)
  - **Senior Resources** Area Agency on Aging
  - **CT Community Care**
- To address lack of home care services, provide education about Medicare Covered Home Care Services through Senior Center webpage. **22-24% identified the availability of home care services and certified home health agencies as lacking.**

# Unmet needs - Loneliness within the Senior Community.

39% of survey respondents reported suffering from loneliness

Town Manager to work with COA to develop interventions addressing loneliness and isolation.

Some examples:

- Conduct focus groups
- Arrange meeting with AARP CT/RI
- Create committee to explore Adult Daycare
  - Examine the Town of Branford model of adult day care services and identify the next steps

# East Hampton Commission on Aging Recommendations to Town Council

## HOUSING

# Unmet needs for AFFORDABLE SENIOR HOUSING

COA survey found:

- 93% want to live independently at home
- 24% need to remodel to stay at home
- 20% cannot afford to stay in EH
- 40% want more information on ADUs, and 15% are considering one in the next few years

# AFFORDABLE SENIOR HOUSING

## Recommendations:

- **Educate builders / developers** about senior housing needs found in survey
- **Prioritize older adults** in town plan to achieve 10% affordable housing
- **Educate older adults** about Accessory Dwelling Units
  - Increase access to ADUs through regulation changes

# AFFORDABLE SENIOR HOUSING

## Recommendations:

- **Grant property tax relief** for seniors (strongly requested in surveys).
  - Grant property tax credits for remodeling that allows older adults to stay in their homes
- **Facilitate development** of Hampton Woods property to allow additional affordable housing for seniors. It has water, sewer, electric, and gas utilities, only 6 of 253 approved units built, and is for sale.



# AFFORDABLE SENIOR HOUSING

## Recommendations:

### **Solve public water supply issues.**

- Water supply issues are a major barrier to development of affordable senior housing in EH.
- Preliminary and engineering studies are underway.
- The COA encourages continued progress to solve the water access problems

## Other recommendations:

- **Encourage EH Housing Authority** to increase senior housing units.
  - Development of an assisted living facility in town could free up senior housing units for those on the waiting list
- **Educate older adults** about home renovation / safety / remodeling options, possibly with discounts

Thank you!

**Town of East Hampton Code**

**Chapter 161**

**Amusement Devices**

[HISTORY: Adopted by the Board of Selectmen of the Town of East Hampton 7-17-1981 (Ord. No. 13.03); amended 6-25-1982; 11-22-1988. Subsequent amendments noted where applicable.]

§ 161-1 Intent.

The regulation of the operation of mechanical/electronic amusement devices and the constant supervision of the operation of such machines are hereby declared necessary for the protection of the health, safety and morals of the residents of the Town of East Hampton.

§ 161-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ANNUAL LICENSE** A license issued pursuant to this ordinance and good up to and including the 31st day of December following its issuance.

**MECHANICAL/ELECTRONIC AMUSEMENT DEVICE** Any machine that, upon the insertion of a coin, slug or token, or upon payment of a charge, releases an object which is propelled manually, mechanically, or electronically and which registers scores, by striking pins, levers, or bumpers or by falling into holes or slots, or that, upon insertion of a coin or slug or the payment of a charge, is operated to register a score or tally of any kind. It shall include such devices as pin-ball or pin-game machines, computer games, television games, coin-operated table games (i.e., hockey, soccer, bowling) and mechanical/electronic coin-operated moving picture devices.

**OPERATOR** Any person, firm, corporation, club, or association in whose place of business any such mechanical/electronic amusement device is placed for use by the public, or anyone who may arrange with the owner of a business or premises for the use of space in which any such mechanical/electronic amusement device may be placed for the use by the public.

**SEASONAL LICENSE** A license issued pursuant to this chapter and good for up to five months after the date of issuance.

§ 161-3 Gambling devices not permitted.

Nothing in this chapter shall in any way be construed to authorize or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, or that may be contrary to any future laws of the State of Connecticut, including, but not limited to, § 53-278a et seq. of the General Statutes.

§ 161-4 Licenses required.

- A. Every operator shall obtain a license from the Chief of Police for each mechanical/electronic amusement device in operation in his place of business.
- B. Application for such licenses shall be made to the Chief of Police upon forms to be supplied by him for that purpose.

§ 161-5 Application.

The application for such a license shall contain the following information under oath:

- A. Name of applicant(s): if a partnership, names of all partners; if a corporation, club or association, names of officers; if applicant is an agent, the principal or real party in interest shall be disclosed and such person or persons shall be considered an applicant or applicants for purposes hereof;
- B. Residence of applicants;
- C. Age of applicants; if a corporation, club or association, date organized and under laws of what state;
- D. Type of business or activity;
- E. Whether applicants or, if a corporation, club or association, officers have ever been convicted of a crime;
- F. The place where a mechanical/electronic amusement device is to be displayed or operated and the business or activity conducted at that place (this shall apply only to operators);
- G. Description or type of mechanical/electronic amusement device to be covered by the license.

§ 161-6 Investigation of applicants.

- A. The Chief of Police shall investigate the character and criminal record of the applicants and the location wherein it is proposed to operate the mechanical/electronic amusement device or devices described in the application and shall not approve said application or issue a license unless he finds that the applicants are over 18 years of age and are persons of good moral character and that the business or activity in such location is a bona fide and lawful one.
- B. In any case of denial or refusal to grant or renew a license, the Chief of Police shall notify the applicant in writing, by certified mail, return receipt requested, of his proposed action and set a date, time and place for hearing thereon, giving the applicant not less than five business days' notice in advance thereof and an opportunity to be represented by counsel, to testify or offer other evidence, and to question any other person testifying at such hearing.

§ 161-7 Issuance: license fees; term.

- A. If the investigation conducted under § 161-6 of this chapter indicates that a license or licenses should issue, the Chief of Police shall issue in the name of such applicant such license or licenses upon payment by said applicant of a fee for each annual license or a fee for each such seasonal license to be issued pursuant to § 161-4 of this chapter in an amount as set from time to time by the Town Council.
- B. Such license fees shall become due and payable as of January first of each year. If in the event a machine is placed in operation after the first of the year, the applicant shall pay a license fee to be pro-rated from the first day of the month on which the machine is first placed in operation up to and including the 31st day of December following. There shall be no rebate for any unexpired portion of the term of a permit revoked by reason of a violation of any provision of this chapter. Each license issued shall be renewable upon request of the holder thereof not less than 15 days prior to the expiration of the license sought to be renewed, upon payment of prescribed fee. Notwithstanding the above, the Chief of Police reserves the right to make further investigation of the applicant for a renewal license hereunder, and a determination thereon as set forth in § 161-6 of this chapter.

- C. Any applicant that is a nonprofit corporation under the Internal Revenue Code, Section 501-C, shall be exempt from payment of the fee for one mechanical/electronic amusement device upon furnishing proof of same to the Chief of Police. All additional mechanical/electronic amusement devices shall be subject to said fees. [Added 9-25-1990]

§ 161-8 Display of licenses.

- A. The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the mechanical/electronic amusement device or devices for which such license or licenses have been issued. This location must in all respects conform to the location as stated in the license.
- B. Each license may be transferred, with notification to the Chief of Police, from one mechanical/electronic amusement device of the same type without making separate application therefor. Notwithstanding the above, the failure to notify the Chief of Police by written statement containing a description of new machine of such transference within three business days shall be deemed a violation of this chapter, and shall permit the revocation of such license.

§ 161-9 Prohibitions and restrictions; hours of operation.

Each operator, and each servant, agent and employee of each operator, shall maintain good order in his place of business and not permit such mechanical/electronic amusement devices to be used for gambling. No person under the age of 14 shall be harbored or allowed to congregate in said place of business unless accompanied by his or her parent or legal guardian. The licensed operator, or his approved designee, of any mechanical/electronic amusement device shall be available on the premises during all hours during each day said devices are in operation. Any place of business containing three or more mechanical/electronic amusement devices shall not operate such devices on Sunday before 1:00 p.m., nor on any other day between the hours of 10:00 p.m. and 10:00 a.m. on the following day, except that such places of business may be permitted to operate such devices until 12:00 midnight on Fridays and Saturdays, upon prior notification to the Chief of Police. The provisions of this section regarding hours of operation shall be applicable to any premises under the jurisdiction of the Division of Liquor Control, State of Connecticut, provided permission for such devices has been obtained from the proper authority.

§ 161-10 Revocation of license; appeals.

The Chief of Police shall have the power to revoke any license issued hereunder for cause in accordance with the following procedures: The Chief of Police or his authorized representative shall cause to be sent to the licensee by certified mail, return receipt requested, a notice of intent to revoke license, which shall set forth the cause for such intended revocation, the place, date and time for a hearing before the Chief of Police to be held thereon, which shall not be sooner than five business days from the delivery of such notice, and a statement that the licensee shall be permitted to be represented by counsel, to testify or offer other evidence, and to question any other person testifying at such hearing. At the conclusion of such hearing, the Chief of Police shall issue a decision in writing as to whether such license or licenses shall be revoked, and if the decision is to revoke, the Chief of Police, or his authorized representative, may enter the premises and take possession of the license or licenses if so revoked. A written decision to revoke shall also notify the licensee that he may appeal such decision to revoke to the Town Council within five business days. The license shall remain revoked during any such appeal

period. Cause shall be deemed to include, but shall not be limited to, conviction of a crime involving moral turpitude subsequent to the issuance of the license, false information in the application for a license knowingly given, or any violation of this chapter.

§ 161-11 Rules and regulations.

- A. The following rules and regulations shall apply to operators and distributors of mechanical/electronic amusement devices, and any violation thereof shall be deemed sufficient cause for revocation and/or sufficient grounds for denial of an application for license or renewal thereof:
  - (1) No mechanical/electronic coin-operated moving picture devices or lewd behavior shall be permitted in any place of business where licenses have been issued for the operation or distribution of mechanical/electronic amusement devices.
  - (2) All places of business in which mechanical/electronic amusement devices are sought to be operated must comply with all firesafety and building and health codes, including, but not limited to, provisions concerning maximum occupancy and proper exits.
  - (3) No operator shall permit loitering within or adjacent to the premises in which a licensed mechanical/electronic amusement device is operated. Each such operator shall provide sufficient places for bicycles and other vehicles in a manner which leaves free for passage all driveways and walkways within 50 feet of the premises.
  - (4) The premises shall be of such construction or interior design so as to prevent the noises emanating from the mechanical/electronic amusement devices from being heard by persons at adjoining or nearby premises.
- B. The Town of East Hampton reserves the right to amend this chapter to include other reasonable rules and regulations which are reasonably necessary for the preservation of property, health, safety and welfare of the citizens of East Hampton.
- C. Any violation of the above rules and regulations shall be deemed to be a nuisance and shall subject the applicant to proceedings in Superior Court to enjoin the activity or conditions creating such nuisance, and the applicant shall be liable for costs of such suit and a reasonable attorney's fee.

§ 161-12 Penalties for offenses.

Any person, firm, corporation or association operating any such mechanical/electronic amusement device without a permit as required hereunder shall be fined not more than \$100 for each offense. Each date of violation shall constitute a separate offense.



Office of THE PUBLIC LIBRARY  
Timothy Kellogg, Library Director  
tkellogg@easthamptonct.gov

TO: David E. Cox, Town Manager

FROM: Timothy Kellogg, Library Director

DATE: September 22, 2022

SUBJECT: Library Policy Updates and Additions

### **East Hampton Public Library Circulation Policy Updates:**

As a result of clarifications to Connecticut State Library lending agreements and requirements, I am proposing updates to the Library's Circulation Policy. The two highlighted paragraphs in the included policy update have been added to the Library's Circulation Policy to ensure compliance with State requirements and to continue to receive annual State Connecticard funds ([Section 11-31c-5: Requirements for Libraries Participating in the Connecticard Program](#)).

#### *Summary of updates:*

Consistent application of East Hampton Circulation Policy and lending terms for all library card holders with a valid Connecticut public library card, regardless of residential status.

A related provision for special collections and equipment items that are not transported through either of the Library's delivery services.

As noted at the 9/19/22 Special Meeting of the Library Advisory Board, these updates are not a substantive change to Library services. They ensure that the Library is in compliance with State statutes and communicate those requirements via Library Policy, while also allowing the Library to designate unique provisions for Special Collections/equipment that are applicable to all borrowers.

### **East Hampton Public Library Proctoring Policy:**

This is a new policy being proposed to ensure a consistent and smooth process for the facilitation of test proctoring requests. The proposed policy was developed following a recent proctoring request, with the guidance of other library's policies and feedback from libraries who have instituted such policies.

As noted at the 9/19/22 Special Meeting of the Library Advisory Board, this policy is intended to provide guidance for handling proctoring requests for current and future





Office of **THE PUBLIC LIBRARY**  
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staff, as well as Library patrons. Test proctoring is not a frequently used Library service, but it usually requires staff oversight and authorization that the test was taken under its specified conditions within the reasonable accommodations the Library is able to provide its patrons.

**A Note Regarding Both Policies:**

At the 9/19/22 Special Meeting of the Library Advisory Board, the aforementioned policies were presented to and approved by the Library Advisory Board.

Tim Kellogg

## Circulation Policy

### A. Library Card Registration

Any person principally domiciled in East Hampton is eligible for a free library card. Library cards expire every three years and may be renewed.

It is the cardholder's responsibility to inform the library if their card has been lost or stolen. Replacement cards are issued for a \$2.00 fee.

Cardholders are responsible for any material checked out on their card. Borrowing privileges may be suspended or lost if excessive fees accrue.

#### **Library Cards for Adults**

Adult library cards are issued to East Hampton residents 18 years of age or older. To apply for a library card, adults must appear at the Library in person and show a valid Connecticut driver's license or photo ID documenting their current residential address in East Hampton. If the license or photo ID is not current or does not state the applicant's East Hampton address, the resident must supply alternative proof of residence. The following are acceptable:

- Town tax statement
- Current vehicle registration.
- Current lease agreement or mortgage document.
- Current utility bill dated within the last 30 days.
- Piece of mail sent through the US Postal Service addressed to the applicant and listing their current East Hampton address.

The library also issues adult library cards by paper applications distributed through local partner organizations. In that case, a library card will be issued with a completed application. If the application is incomplete, the library will issue a temporary library card until the cardholder can supply the library with any missing application information.

The library may also issue temporary Library e-Cards by online application on its website: [www.easthamptonpubliclibrary.org](http://www.easthamptonpubliclibrary.org). Library e-Cards are valid for one year and may only be used to access the library's electronic resources. An e-cardholder may apply for an adult library card by appearing in person at the Library and providing a proof of residence listed above.

#### **Library Cards for Juveniles**

Juvenile library cards are issued to children 17 years of age or younger of East Hampton residents. Parents or legal guardians of juveniles are responsible for any fees on the child's library card.

To apply for a juvenile library card, parents or guardians must show the same documentation of residence as listed above. Both the juvenile and the parent or guardian must be present at the time of application.

The library also issues juvenile library cards by paper applications distributed through schools, daycares and other local partner organizations. In that case, a juvenile library card will be issued with a completed application from a parent or guardian. If the application is incomplete, the library will issue a child a temporary library card until the parent or guardian can supply the library with any missing application information.

The library may also issue temporary juvenile Library e-Cards by online application on their website: [www.easthamptonpubliclibrary.org](http://www.easthamptonpubliclibrary.org). Juvenile e- cards are valid for one year and may only be used to access the library's electronic resources. A juvenile e-cardholder may apply for a juvenile library card by appearing in person with their parent or guardian at the Library and providing a proof of residence listed above.

### **Temporary Cards**

The library may, at its discretion, issue temporary cards to out-of-state residents residing in East Hampton, with proof of local rental or lease, length of stay, and a valid out-of-state driver's license. Temporary cards will be limited to checking out 10 items at a time.

In-state residents who temporarily reside in East Hampton will be considered non-resident borrowers and must use their hometown library card.

The library may also issue temporary cards to residents who submit an incomplete application for a library card via a partner organization or through the library's website.

*(Approved by the Library Advisory Board 12/4/17. Approved by the Town Council 12/12/17.)  
(Updated and Approved by the Library Advisory Board 1/4/21. Approved by the Town Council 1/26/21)*

## **B. Loan Periods, Limits, Renewals and Fines**

Library materials may be borrowed for a period of 3, 7, 14, 21 or 28 days as determined by the Library Director. Most library materials may be renewed twice if there is no waiting list. Lucky Day collection materials are available on a first come first serve basis and are not eligible for renewal. East Hampton materials eligible for renewal and with no waiting list will be automatically renewed twice.

Materials borrowed from other libraries are subject to the owning library's lending policies.

All materials owned by East Hampton Public Library may be borrowed by anyone with a valid Connecticut public library borrower card. All borrowers, whether resident or non-resident, are subject to the same lending agreements regardless of location of residence.

Local history and reference materials do not circulate. An exception may be granted with prior permission from the Library Director.

Special Collections (such as WiFi hotspots, video games, and equipment items) may be subject to specific borrower agreements and lending terms equally applicable to all borrowers. Special equipment items are (unless noted otherwise) not renewable, must be checked out and returned in-person to East Hampton Public Library, and do not circulate through the delivery system.

The Library Director may establish the loan period for special collections, materials which are temporarily in great demand (such as student projects) or materials added to the collection in a new format.

All current library cardholders may have a maximum of 100 items charged to a current account, per the Libraries Online (LION) Consortium standards.

The East Hampton Public Library does not charge overdue fines on materials owned by the East Hampton Public Library.

East Hampton patrons may accrue overdue fines on materials borrowed from other libraries. Overdue fines accrued from other libraries may be waived at the East Hampton Public Library's discretion in consultation with the original lending library.

### C. Lost or Damaged Materials

Materials over 28 days overdue are considered lost. The cardholder, or their parent or guardian, is responsible for the replacement cost. If lost materials are returned, the replacement charge will be cleared from the borrowing patron's account.

If materials are so damaged that they are judged by the library as being unsuitable for the collection, the last borrowing cardholder or their parent or guardian is responsible for the replacement cost as determined by the library.

The library does not accept replacement items in lieu of payment.

### D. Interlibrary Loan

Interlibrary loan requests are defined as a hold on a material not owned by the East Hampton Public Library or any other Libraries Online (LION) Consortium Library. East Hampton cardholders may place an interlibrary loan by filling out the Library's Interlibrary Loan Request Form.

Individual patrons may have up to 5 active requests at any one time.

The East Hampton Public Library does not:

- Request a title which is owned by the East Hampton Public Library or another LION Library unless the title is:
  - Lost and has not yet been replaced; or,
  - Focus of a book discussion, library or other group-sponsored.
- Request items from outside of Connecticut.

Renewals are at the discretion of the lender and materials may be recalled by the lender without notice.

*(Approved by the Library Advisory Board 12/4/17. Approved by the Town Council 12/12/17)*

*(Updated and Approved by the Library Advisory Board 1/4/21. Approved by the Town Council 1/26/21)*

*(Updated and Approved by the Library Advisory Board 9/19/22. Proposed to the Town Council 9/27/22)*

## **East Hampton Public Library Proctoring Policy:**

The East Hampton Public Library will provide test proctoring to library patrons in accordance with the following guidelines:

### **Scheduling and Availability:**

- Appointments must be made a week in advance of the test day.
- Tests may only take place during the following Library hours: 10 AM- 4 PM Monday-Friday.
- Tests must be completed at least an hour before the end of the testing schedule (or by 4 PM).
- Due to staffing constraints, the Library does not guarantee that all requests for proctoring will be met, nor are we able to accommodate evening or weekend appointments.

### **Patron and Testing Institution Responsibilities:**

- The patron must arrive on time, with a valid photo ID, and required testing supplies.
- The patron must have the testing institution send the exam by mail or email.
- The patron and/or testing institution may also use online tests.
- Computer and/or online tests must be compatible with available Library hardware and software.
- The patron must provide materials (envelopes, postage, etc.) for a completed exam's physical delivery back to the testing institution. The Library is not responsible for any costs involved in returning written examinations.
- The patron and/or testing institution are responsible for any printing or faxing fees in accordance with Library policies.
- The patron and/or testing institution are responsible for all other testing costs, including but not limited to mailing costs, printing costs, faxing costs, and testing fees.

### **Library and Proctor Services and Functions:**

- The Proctor is the Library Director or their designee.
- The Proctor will complete required forms.
- The Proctor may only sign a proctoring verification form that accurately reflects what the Proctor has been able to do.
- The Proctor will enforce test time limits and other test rules.
- Monitoring requirements may have to be limited.
- The Library is not responsible for test interruptions.
- The Library may scan, mail, or fax completed examinations at the patron and/or testing institution's request. As noted above, the patron and/or testing institution are responsible for related costs.

### **Proctoring Restrictions:**

- The Library will not modify Library hardware, software, or security.
- The Library will not retain patron electronic files in any way.
- The Library will not retain any testing information or documents. All proctoring related files will be deleted or destroyed once the test is completed, or the computer session has ended.
- The Library is not responsible for unsaved or lost data at any point during the testing process.

- The Library will not proctor exams brought in by the patron themselves. As noted above, they must be provided by the testing institution via mail, email, or online testing site.
- The Library will not proctor an exam if the Proctor's personal contact information is required. Only professional contact information will be provided (i.e., Library mailing address, Library phone number, and/or Library email address).
- The Proctor will not be able to monitor a patron continuously during an exam but may check on the patron periodically.
- The Library will not be responsible for any delayed delivery of exams, nor for any completed exams once they leave the Library's possession and have been returned to the testing institution.

*(Approved by the Library Advisory Board 9/19/22. Proposed to the Town Council 9/27/22)*

DRAFT



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



Dennis Woessner  
 Chief of Police

September 22, 2022

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

Attached to this memorandum are six (6) General Orders which I am submitting for approval:

General Order 3.1, Use of Force, is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. The changes include language specific to the standard, such as authorization by police officers to carry weapons, use force, training requirements and required reporting guidelines. A few minor changes were also made to the General Order. Any additions are marked in red and deletions are crossed out and marked in yellow.

General Order 3.2, Conducted Electrical Weapon, is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. The changes include language specific to the standard, such as an annual review of all use of force incidents by the Chief of Police and an annual inventory of all Conducted Electrical Weapons. Any additions are marked in red and deletions are crossed out and marked in yellow.

General Order 3.5, Reporting and Investigating Force, is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. A minor change was made to the use of force mandated reporting requirements. Any additions are marked in red and deletions are crossed out and marked in yellow.

General Order 3.7, Firearms Policy, is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. The changes included language specific to the standard, such as authorization by police officers to carry weapons, use force, annual review by the chief of police of all use of force incidents, an annual inventory of all weapons as well as mandatory training requirements. Any additions are marked in red and deletions are crossed out and marked in yellow.

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**CONFIDENTIAL GENERAL ORDER -certain sections have been redacted for security reasons.**

General Order 3.8, Patrol Rifle, is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. The changes included language specific to the standard, such as authorization by police officers to carry weapons, use force, annual review by the chief of police of all use of force incidents, an annual inventory of all weapons, securing of weapons as well as mandatory training requirements. Any additions are marked in red and deletions are crossed out and marked in yellow.

General Order 9.5, In-Service, Roll Call and Advanced Training, is an existing General Order which required updating to reflect changes required by the Police Officer Standards and Training Council (POSTC) Accreditation Standards. The changes included language specific to the training requirements of the chief of police and the accreditation managers. A few other minor changes were made as well. Any additions are marked in red and deletions are crossed out and marked in yellow.




# EAST HAMPTON POLICE DEPARTMENT

## GENERAL ORDER 3.1

### RULES OF CONDUCT

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<b>SUBJECT: USE OF FORCE</b>		
<b>Issue Date:</b> TBD	<b>Effective Date:</b> TBD	<b>Distribution:</b> All Personnel
<b>Amends/Rescinds GO:</b> 3.1 dated 5/7/2022		<b>Review Date:</b>
<p><b>Per Order of:</b></p> <div style="text-align: center;">   <b>Dennis Woessner, Chief of Police</b> </div>		
<p><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></p>		

#### I. PURPOSE

The law enforcement profession recognizes and values the sanctity of human life and respect for every person’s rights and dignity. As guardians of a lawful and ordered society, police officers are vested with significant authority, the judicious use of which serves to protect public safety while fortifying public confidence in the legitimacy of the police. A peaceful resolution is the best, most desired outcome in all situations. To that end, police officers must use only the level of force necessary to achieve legitimate, lawful purposes and resolve each situation they face fairly and safely. Acknowledging that circumstances may compel the use of physical force upon a person, up to and including deadly force, police officers must view the use of force as a last resort.

#### II. POLICY

Police officers must use only the minimum level of force necessary to achieve a lawful purpose. Any use of force must be reasonable, proportionate to the threat, and employed in a manner consistent with this policy. While not an actual use of force, the mere presence of a police officer can be intimidating to some. Therefore, officers should be mindful of their body language and tone of voice upon arrival at a scene and throughout their interaction with subjects, complainants, and witnesses.

Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) Defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent escape.

Officers are specifically granted the legal authority to carry weapons under CGS 53-206 "while engaged in the pursuit of such officer's official duties."

### III. DEFINITIONS

- A. "Acting in a Law Enforcement Capacity" means any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.
- B. "Active Resistance" means any physical act undertaken by a subject against an officer that could reasonably impede or defeat the officer's lawful attempt to gain control of the subject.
- C. "Chokehold/Neck Restraint" means a physical maneuver or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain.
- D. "Deadly Force" means any force that is likely to cause serious injury or death.
- E. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
- F. "De-escalation" means the use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.
- G. "Imminent" means likely to occur at any moment; impending.
- H. "Last resort" means a final course of action, used only when other reasonable options are unavailable or have failed.
- I. "Less-Lethal Force" means any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive

and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9.

- J. "Mitigation" means the action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.
- K. "Necessary" means an action chosen when, in an officer's judgement, no effective alternative exists.
- L. "The objectively reasonable standard" is the legal standard used to determine the lawfulness of a use of force under the Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court established this standard in its ruling in *Graham v. Connor* (490- U.S. 386, 1989).
- M. "Officer created jeopardy" means situations where officers needlessly put themselves in a position where they must use deadly force to protect themselves.
- N. "Passive Resistance" means an unarmed, non-violent person's failure or refusal to cooperate with a police officer's lawful directions, such as in an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister.
- O. "Police officer," as used in this policy, means any Connecticut "peace officer," as defined in CGS 53a-3.
- P. "Physical Force" means any intentional contact used upon or directed toward the body of another person, including restraint and confinement.
- Q. "Positional Asphyxia" is a condition where the supply of oxygen to a person's body is deficient because their body position prevents them from breathing adequately, usually as a result of an airway obstruction or limitation in chest wall expansion.
- R. "Proportional Force" means force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.
- S. "Reasonable" means sound, fair, sensible, and not excessive under the circumstances.
- T. "Reasonable belief that a person has committed an offense" means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the facts or circumstances would not legally

constitute an offense, an incorrect belief that they do, even if reasonable, does not justify the use of physical force.

- U. "Serious Physical Injury" means physical injury that creates a substantial risk of death, serious protracted and obvious disfigurement, a serious health impairment, or an extended loss or impairment of any body part or bodily organ.
- V. "Unreasonable Force" means any force applied in a manner inconsistent with this policy or applicable law.
- W. "Unreasonable Risk" means unwarranted exposure to the possibility of a negative consequence.

#### IV. MORAL AND ETHICAL OBLIGATIONS REGARDING THE USE OF FORCE

All police officers must comply with this policy and uphold the legal, moral, and ethical obligations of their sworn service to the public, including:

##### A. Duty to Render Aid

An officer shall render aid and request an emergency medical service (EMS) response as soon as possible for any person who sustains an injury, complains of injury, or otherwise exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness.

An EMS response shall be requested for any person subjected to the use of a firearm, impact weapon, impact projectile, conducted energy weapon (CEW), oleoresin capsicum (OC) spray, or K-9 apprehension. A supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed whenever possible.

##### B. Duty to Intervene

Any police officer acting in a law enforcement capacity who witnesses the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable, must intervene to attempt to stop such use of force. The witnessing officer shall intervene in any manner necessary to stop any unreasonable use of force, including by verbal or physical means or both. Unreasonable force is any force applied in a manner inconsistent with this policy or applicable law.

These requirements do not apply to officers acting in an undercover capacity if intervening will significantly compromise their safety or the safety of another.

In rare cases, exigent circumstances may prevent an officer from complying with these requirements. For example:

- (1) An officer may be engaged in a simultaneous attempt to apprehend another person.
- (2) An officer may be actively engaged in rendering aid to a seriously injured person.
- (3) An officer may be separated by space, elevation, physical barriers, terrain, or other hazards or impediments that prevent access necessary to intervene.

If circumstances prevent or impede effective intervention, these circumstances shall be promptly reported and documented.

Any officer who fails to intervene in an incident involving unreasonable use of force that they witness may be subject to disciplinary action and criminal prosecution for the actions the offending officer took.

#### C. Duty to Report

Any police officer acting in a law enforcement capacity who witnesses or otherwise becomes aware of the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable shall notify a supervisor as soon as practicable. The witnessing officer shall also prepare a written report that thoroughly explains how force was used and submit that report as prescribed by Department procedures.

Any officer who fails to report any unreasonable use of force as required by this policy may be subject to disciplinary action and criminal prosecution.

#### D. Prohibition Against Retaliation

The Department and its employees are strictly prohibited from taking any retaliatory, discriminatory, or punitive action against any officer who acts in good faith in accordance with this policy or cooperates in any internal or criminal investigation related thereto.

### V. **DE-ESCALATION AND MITIGATION**

Officers should use force as a last resort and employ de-escalation and mitigation techniques to the greatest extent practicable. Officers are not required to delay taking protective measures that are immediately necessary or to place themselves or others at imminent risk of harm in order to attempt de-escalation,

but they should consider the following options that might minimize or avoid the use of force:

- A. Using a non-threatening, non-confrontational tone of voice
- B. Listening carefully and expressing empathy
- C. Slowing down the pace of an incident
- D. Waiting to take action until the threat subsides
- E. Placing additional space or barriers between the officer and a person
- F. Permitting a person to move about
- G. Permitting a person to ask questions or engage in conversation
- H. Tactical repositioning or seeking cover
- I. Requesting additional resources

De-escalation is most effective when done purposefully, with patience and flexibility. These techniques should only be employed when circumstances permit, and it is safe to do so.

## VI. USE OF PHYSICAL FORCE

The use of force by an officer shall be necessary, reasonable and proportionate to the threat encountered. Physical force may only be used to achieve a lawful purpose. Before resorting to physical force and whenever safe and feasible, officers should first make reasonable attempts to gain compliance through verbal commands and allowing appropriate time under the circumstances for voluntary compliance.

### A. Considerations

Before deciding to use physical force, an officer should consider the following:

- (1) The immediacy of the threat
- (2) The nature and severity of the crime or circumstances
- (3) The nature and duration of actions taken by the subject
- (4) Whether the subject is actively resisting custody

- (5) Whether the subject is attempting to evade arrest by flight
- (6) The number of subjects in comparison to the number of officers
- (7) The size and condition of the subject in comparison to the officer
- (8) The age, health, and condition of the subject
- (9) The subject's violent history, if known
- (10) The presence of a hostile crowd or agitators
- (11) Whether the subject is under the influence of drugs or alcohol to the extent it would affect their tolerance towards pain

B. Permissible Purposes for the Use of Physical Force

When necessary and reasonable, an officer may use proportionate physical force to:

- (1) Gain control of a subject who poses an imminent risk to the officer, themselves, or a third person.
- (2) Effect an arrest of a person whom the officer reasonably believes to have committed an offense unless the officer knows the arrest is not authorized.
- (3) Effect an arrest pursuant to a warrant unless the officer knows the arrest warrant is invalid.
- (4) Prevent the escape from custody of a person unless the officer knows the custody is not authorized.
- (5) Gain compliance to a lawful order.

C. Prohibitions on the Use of Physical Force

The following actions are prohibited:

- (1) Using physical force against any handcuffed or restrained person except to the extent necessary to counter active resistance, prevent escape, prevent the person from sustaining injury, or prevent the person from injuring another.
- (2) Using physical force for the purpose of retaliation.



- (3) Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result.
- (4) Standing on or kneeling on the neck of another person.

#### D. Restrictions on the Use of Physical Force

The following are prohibited except under circumstances where deadly force is deemed reasonable and necessary, consistent with this policy:

- (1) The intentional use of a chokehold or neck restraint, including but not limited to: (1). Arm Bar hold, (2). Carotid artery hold, (3). Lateral vascular neck restraint, (4). Neck restraint or hold with a knee or other object, is prohibited. The use of choke hold or neck restraint may only be used when the use of deadly physical force is necessary.
- (2) Intentional strikes to the head, neck, spine, or sternum with an impact weapon, improvised impact weapon, knee, kick, or hard object, or striking the head against a hard surface.
- (3) The intentional discharge of a less-lethal launcher projectile at close range to the head, neck, or chest.

### VII. POSITIONING OF PERSONS UNDER OFFICER'S CONTROL

Restrained persons shall be positioned so that breathing is not obstructed. Restrained persons should be maintained in a seated position or placed on their side. Restrained persons should not be placed in a prone or other position that increases the risk of positional asphyxia.

### VIII. LESS LETHAL FORCE

An officer may use less lethal force when reasonable and necessary to overcome the use or imminent use of force against an officer or a third person. The level of less lethal force used must be proportionate to the threat, perceived or existing. Less lethal force may not be used against any person engaged in passive resistance.

### IX. USE OF DEADLY PHYSICAL FORCE

Deadly force must be used as a last resort. Any use of deadly force must be reasonable and necessary. When feasible and consistent with personal safety, an officer shall give warning of his or her intent to use deadly physical force.

A. Permissible Purposes for Deadly Force

A police officer is justified in using deadly force upon another person only when his or her actions are objectively reasonable under the given circumstances at that time and the officer reasonably believes the use of deadly force is necessary to:

- (1) Defend himself or herself or another person from the use or imminent use of deadly physical force, or
- (2) Effect an arrest of a person if the following circumstances exist:
  - a. The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and
  - b. The officer has determined there are no available reasonable alternatives to the use of deadly force and
  - c. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.
- (3) Prevent the escape of a person if the following circumstances exist:
  - a. The officer reasonably believes the person has committed a felony that involved the infliction of serious physical injury and poses a significant threat of death or serious physical injury to others.
  - b. The officer has determined there are no available reasonable alternatives to the use of deadly force.
  - c. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.

B. Prohibitions on the Use of Deadly Force

- (1) Deadly force may not be used against any person for the purpose of protecting property.
- (2) Deadly force may not be used against any person who poses a threat only to themselves.

C. Use of Firearms

The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an animal, shall be considered a use of deadly force. The discharge of a firearm against another person should be considered a last resort.

The discharge of a firearm is prohibited:

- (1) When, in the professional judgment of the officer, doing so will unnecessarily endanger an innocent person.
- (2) In the defense of property.
- (3) To summon assistance, except in an emergency and no other reasonable means is available.
- (4) When fired as a warning shot.
- (5) When fired at or into a moving or fleeing vehicle, except:
  - a. To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
  - b. When a driver is intentionally placing others in the vehicle's path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic.
  - c. When an officer is unavoidably in the path of a vehicle and cannot move to safety. Officers are strongly discouraged from positioning themselves in the actual or potential path of travel of any vehicle.

D. Post Event Review of Deadly Physical Force Incidents

A post event review regarding any use of force shall determine whether any involved officer acted in a manner consistent with or inconsistent with this policy.

Officers must be aware that they are subject to the standards set forth by State Law. In accordance with State Law, evaluations of an officer's actions related to a use of deadly force will consider, *but are not limited to*, the following factors:

- (1) Whether the person possessed or appeared to possess a deadly weapon

- (2) Whether the officer engaged in reasonable de-escalation measures prior to using deadly force
- (3) Whether any unreasonable conduct of the officer led to an increased risk of an occurrence of the situation that precipitated the use of deadly force.

Officers should be aware that the statutory language “but are not limited to” may mean that factors not specified in law or in this policy are considered in the evaluation of an officer’s actions.

## X. REPORTING USES OF FORCE

### A. Required Reporting and Review

A reportable use of force **to the State shall be the following:** ~~is any use of force described in this policy, including:~~

- (1) Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person
- (2) Using OC spray, CEW, or less lethal projectile
- (3) Using a chokehold or neck restraint
- (4) Pointing a firearm, less lethal launcher, or CEW laser sight at a person
- (5) The discharge of a firearm, for other than training, testing, or to dispatch an animal
- (6) **Any incident where a police officer uses physical force that is likely to cause serious physical injury, as defined in CGS 53a-3, to another person or the death of another person.** ~~Any action that results in, or is alleged to have resulted in, injury or death of another person~~

The electronic State of Connecticut Police Officer Standards and Training Council *Use of Force* form shall be completed for any incident that involves a reportable use of force. A separate form shall be completed for each person subjected to a reportable use of force. Except as provided below, the officers involved shall complete the form as soon as is practical. The required supervisory review of any use of force shall be completed in a timely manner. The Chief of Police or his designee has the final review of all use of force incidents and will be responsible for submitting the reports electronically to [CT.Police.UoF@CT.gov](mailto:CT.Police.UoF@CT.gov).

**Any action that results in, or is alleged to have resulted in, injury to another**

person shall be reported internally.

The Office of the Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.

The department shall document and maintain a record of any incident in which an officer reports or is aware of an unreasonable, excessive, or illegal use of force as specified in this policy. This record shall include, at minimum, the name of the officer(s) involved; the date, time, and location of the incident; a description of the circumstances; and the names of any victims and witnesses present, if known.

The Chief of Police will conduct on an annual basis a review of all use of force incidents.

#### B. Annual Use of Force Reporting

Each year, but not later than February 1<sup>st</sup> of the following year, the department shall ensure that a copy of each completed *State of Connecticut – Police Officer and Standards Training Council - Use of Force Report (POSTC Form -PUOF)* that meets the reporting requirements of either CGS 7-282e and/or CGS 54-1t is and any other required documents are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management or his designee. Prior to the submission of these reports, the department shall redact any information that may identify a minor, victim, or witness.

Use of force reports that do not meet the State reporting requirements by statute, but are required by this policy, shall be stored in-house.

### XI. TRAINING

The Police Officer Standards and Training Council (POSTC) will oversee development and implementation of a single, standardized training curriculum to include lesson plans and presentation material regarding all aspects of this policy for the purposes of in-service or review training. To qualify for POSTC credit, Use of Force training must be delivered by a POSTC certified Use of Force instructor. The Department may elect to offer additional training in any area of this policy, but such training may not supplant any portion of the POSTC approved training module. Any additional training offered must be delivered by a POSTC certified Use of Force instructor using a POSTC approved lesson plan.

The Department will ensure that any Use of Force Training is based upon the POSTC model curriculum as issued on August 13, 2021 (General Notice 21-05)

and any subsequent updates and revisions.

All Departments shall ensure that every peace officer bound by this policy completes all required POSTC Use of Force training prior to December 31, 2022 unless granted an extension by the DESPP/POSTC Academy Administrator. Thereafter, the Department shall ensure that every officer completes the POSTC recertification training module no less than once annually.

Prior to receiving authorization to carry any department issued firearm, baton, OC or CEW each member of the Department will receive training on this Use of Force policy and the policy that applies to the device the officer is being training on. Additionally, all members of the Department shall receive initial department approved training in firearms, baton, OC, and CEW prior to being authorized to carry them. That training shall be in accordance with the manufacturers recommendation and POST policy. Refresher training and officer's ability to demonstrate proficiency will reoccur on an annual basis. Remedial training will be provided for officers failing to demonstrate proficiency.

## **XII. AUTHORIZED WEAPONS/ LESS LETHAL OPTIONS**

For the purpose of this General Order the following lethal and less lethal devices are authorized to be carried by members of this department, while on-duty, unless otherwise specifically authorized by the Chief of Police.

- A. Glock .45 Caliber pistols (Model 21 or 30)
- B. Bushmaster or Colt AR style rifles .223 caliber
- C. ~~Remington 12-gauge shotguns~~
- D. Taser X26P
- E. ASP batons
- F. Guardian OC spray

## **XIII. RELATED POLICIES**

Other policies related to this and department use of force policies include but may not be limited to:

- A. Oath of Office
- B. Ethics

- C. Firearms
- D. Conducted Electrical Weapon
- E. Less-Lethal Weapons/Munitions
- F. Pursuit
- G. Crowd Control
- H. Body Camera/In-Car Camera
- I. Canine Unit




# EAST HAMPTON POLICE DEPARTMENT

## GENERAL ORDER 3.2

### RULES OF CONDUCT

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<b>SUBJECT: CONDUCTED ELECTRICAL WEAPON</b>		
<b>Issue Date: TBD</b>	<b>Effective Date: TBD</b>	<b>Distribution: All Personnel</b>
<b>Amends/Rescinds GO: Dated 9/15/2021</b>		<b>Review Date:</b>
<b>Per Order of:</b>    <b>Dennis Woessner, Chief of Police</b>		
<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>		

**PURPOSE AND SCOPE:**

- A. Purpose: To establish Department policy governing the use of Conducted Electrical Weapons (CEW) by sworn members of the East Hampton Police Department and to ensure compliance with applicable State statute(s) and regulations adopted by the Police Officer Standards and Training Council.
- B. This policy is intended to provide guidance for proper deployment and use of a CEW by a police officer in the field. It will be used in accordance with the Department's Use of Force Policy. This policy is implemented via a Model Lesson Plan and related Instructor's Addendum compiled in conjunction with this policy as part of a Connecticut CEW Model Policy and Training Module.

**DISCUSSION:**

- A. Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.



- B. Officers are specifically granted the legal authority to carry weapons under C.G.S. 53-206 "while engaged in the pursuit of such officer's official duties."
- C. The reasonableness of a use of force under this policy will be measured by standards established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, and not by the '20/20 vision of hindsight." The calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.

#### **DEFINITIONS:**

- A. **CONDUCTED ELECTRICAL WEAPON:** (Also referred to as CEW or an Electronic Defense Weapon or EDW.) The CEW is a less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
- B. **PHYSICAL FORCE:** Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
- C. **LESS-THAN-LETHAL FORCE:** A use of force which is not likely to cause death or serious physical injury.
- D. **ACTIVE RESISTANCE:** Any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.
- E. **PASSIVE RESISTANCE:** The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.

- F. DEPLOYMENT: Does not include the mere removal of the CEW from the holster, but does include any use of a CEW against any person such as pointing the CEW at an individual to control their actions (whether with or without the laser feature), using a warning arc, a cartridge deployment, or a drive stun deployment.

**POLICY:**

- A. It shall be the policy of the East Hampton Police Department that all officers will only use the level of force necessary to accomplish lawful objectives.
- B. It shall be the policy of the East Hampton Police Department that all officers shall render aid and request an emergency medical service (EMS) response as soon as possible for any person who sustains an injury, complains of injury, or otherwise exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness.
- C. It shall be the policy of the East Hampton Police Department that following any deployment of a CEW as defined above, a departmental Use of Force Report Form will be generated and filed to accommodate CEW deployment tracking. Reports must be completed in their entirety and specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event.
- D. It shall be the policy of the East Hampton Police Department that all written reports generated regarding the deployment of a CEW be promptly reviewed by a supervisor to determine that the deployment of the CEW was appropriate. Should a determination be made by the supervisor that the deployment of the CEW was questionable or inappropriate, the matter shall be immediately referred for further review per Department policy. The supervisor's findings regarding the deployment of the CEW shall be documented in the departmental Use of Force Report Form.
- E. It shall be the policy of the East Hampton Police Department that all officers have access to the Departmental CEW policy and receive training as to its content prior to obtaining authorization to carry a CEW. CEW's may only be deployed by officers who have satisfactorily completed this agency's approved training. Refresher training and officer's ability to demonstrate proficiency will reoccur on an annual basis. Remedial training will be provided for officers failing to demonstrate proficiency.
- F. It shall be the policy of the East Hampton Police Department to complete the departmental Use of Force Report Form as required by statute or Public Act. Said Report Form is to be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management no later than February 1<sup>st</sup> each year covering the preceding calendar year. The report is required

for any department having deployed a CEW against any individual within the calendar year. The Chief of Police or his designee will complete the annual report.

- G. **The Chief of Police will conduct on an annual basis a review of all use of force incidents.** It shall be the policy of the East Hampton Police Department to conduct an annual review of all CEW deployments in the field in order to evaluate policy compliance.
- H. If the CEW is used on an animal, the animal does not need to be transported to a veterinary facility unless it is in need of medical attention. The probes can be removed by the officer deploying the device.
- I. CEW's that are discharged, either in the drive stun mode or the firing of the probes, will be taken out of service as soon as it is practical, and forwarded to a certified instructor to download this deployment information from the device. The deployment data will be logged as evidence in the case.
- J. Every CEW will be inspected annually by a certified instructor to ensure it continues to be functional and operationally safe.
- K. Currently the CEW's authorized for use are the ones manufactured by Axon (formally Taser International) and are the models approved by the Chief of Police.
- L. **An annual inventory to include the location of all CEW's will be done by the Chief of Police or his designee.**

#### **WEARING OF THE CEW:**

- A. The device shall be carried in an approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.
- B. The device shall be carried in accordance with manufacturer's recommendations and Department training. The CEW shall be pointed in a safe direction during loading, unloading, or when handled in other than an operational deployment. Officers will perform a readiness test of the device by turning on the device at the beginning of each shift and spark testing the unit. The test will indicate if the device is functioning correctly.
- C. Officers authorized to deploy the device shall be issued and carry a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges

shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

**DEPLOYMENT OF THE CEW:**

- A. As soon as reasonably possible, a supervisor or Officer in Charge should be requested to respond to the scene of a potential or completed CEW deployment.
- B. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when deploying a CEW against persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, the infirm, or those in obvious ill health.
- C. Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
- D. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be independently justifiable. Officers should only deploy the CEW to the extent necessary to gain control of the subject.
- E. Whenever possible, prior to a CEW deployment, a loud, clear warning of a CEW deployment should be made. When aiming the CEW at a subject, officers should adhere to the manufacturers preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the CEW whenever employing it at close quarters.
- F. A CEW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.
- G. The device may also be deployed in certain circumstances in a "drive stun" mode. Deployment of the CEW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool: is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject's skin.

- H. Officers should not intentionally activate more than one CEW at a time against a subject.
- I. The CEW should not be deployed:
  - 1. In a punitive or coercive manner;
  - 2. On any subject demonstrating only passive resistance.
  - 3. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
  - 4. Where it is likely that the subject may drown or fall from an elevated area.

#### **EVIDENCE COLLECTION**

- A. Once the subject has been controlled, and the need for medical care has been evaluated, EHPD Officers will collect all evidence resulting from the Taser discharge. Whenever feasible, the following items will be secured as evidence:
  - 1. ECW Probes
  - 2. Cartridges
  - 3. Wire leads
  - 4. AFIDS if available
- B. When lawful and appropriate, photographs should be taken of the probe impact sites and any other related injuries as soon as reasonably possible

#### **MEDICAL ATTENTION:**

- A. An EMS response shall be requested for any person subjected to the use of a CEW. The EMS response shall be at a minimum from a certified ambulance service. The Department must also be cognizant of any medical regulations or guidelines regarding CEW's asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the CEW is deployed.
- B. Police officers shall not remove probes which have implanted anywhere on a subject's body unless authorized to do so by competent medical authority or the officer has been certified to do so by a POSTC certified instructor.
- C. The following persons shall be transported to a hospital for examination following exposure to a CEW. Any person who:

1. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
2. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
3. Does not appear to recover properly after being energized;
4. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
5. Has had more than one CEW effectively used against him or her in any given incident;
6. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
7. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
8. Exhibits bizarre or violent behavior, including self-mutilation;
9. Is naked in a public place or exhibits signs of overheating;
10. Evidences slurring or slowness of speech;
11. Subject claims to have been injured or in medical distress.



# EAST HAMPTON POLICE DEPARTMENT

## GENERAL ORDER 3.5 RULES OF CONDUCT

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<b>SUBJECT: REPORTING AND INVESTIGATING FORCE</b>		
<b>Issue Date:</b> TBD	<b>Effective Date:</b> TBD	<b>Distribution:</b> All Personnel
<b>Amends/Rescinds GO:</b> 9/15/2021		<b>Review Date:</b>
<b>Per Order of:</b>   <b>Dennis Woessner, Chief of Police</b>		
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

### I. PURPOSE

The purpose of this policy is to provide officers and their supervisors with guidelines for reporting and investigating use of force incidents. In order to protect citizens and employees, the East Hampton Police Department (“Department” or “EHPD”) is committed to documenting and investigating use of force incidents.

### II. POLICY

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the EHPD, as well as the jurisdiction that provides this authority. As such, it is this Department’s policy that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any officer, who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident, shall not be allowed to conduct the review/investigation.

### III. DEFINITIONS

Critical Firearm Discharge: When an EHPD officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.

Force: Any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes: aiming of a firearm, discharge of a firearm, use of chemical agents, use of impact weapons, use of a conducted electrical weapon (CEW), taking a subject to the ground, and any physical contact that includes control techniques. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is *objectively reasonable* under the circumstances, and if the minimum amount of force that is necessary is used to effect an arrest, or protect the officer or other person.

Harm: Injury inflicted upon a person, whether visible or not.

Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

Deadly force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal physical force is an extreme measure and shall only be used in accordance with the law.

Non-Deadly force: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.

Reportable Use of Force: All force used above non-resistant compliant handcuffing, with the exception of an incident involving drawing a firearm at low ready position. While it does not include unresisted (cooperative) handcuffing, it does include handcuffing individuals to objects.

Resisted Handcuffing: When a person actively resists being placed in handcuffs and the officers must use "soft hand controls" to gain compliance by forcibly moving the subject's wrists or arms, or to physically maneuver the subject's body so the handcuffs can be applied. The "resistance" may range from an active struggle to a person simply "locking" his/her arms to prevent compliant handcuffing. Conversely, "unresisting (cooperative) handcuffing" occurs whenever the subject complies with the officer's verbal commands and/or unresistingly allows the officers to position their arms in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.

Serious bodily injury: Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious bodily harm.



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

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Supervisor: A supervisor includes a Sergeant and above who is assigned responsibility for supervising officers.

Weapon: Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

#### IV. PROCEDURE

##### A. Responsibility for Reporting

1. Officers shall, as soon as possible, notify their shift supervisor of any Level 1 Reportable use of force. In all cases, the notification shall be made by the end of the officer's shift.
2. Officers shall immediately notify their shift supervisor following any Level 2 or 3 Reportable use of force.
3. Officers shall, immediately following all reportable use of force, complete a Use of Force Report Form.
4. The completed Use of Force Report Form shall be submitted to the shift supervisor prior to the officer completing his/her tour of duty. When completing the report, officers are also required to provide a written narrative statement of the event. The following additional procedures shall apply:
  - a. Each officer who uses force shall submit a separate written Use of Force Report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.

- b. Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit required reports.
  - c. If an officer uses force on more than one subject during the same event, a separate Use of Force Report Form shall be completed for each person subjected to a reportable use of force. ~~the officer shall complete one Use of Force Report Form.~~
  - d. If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible.
  - e. A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).
5. All use of force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.
  6. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
  7. Shift supervisors shall investigate and report any reportable use of force as directed in Section (C) of this policy.
  8. Any officer(s) who engages in or witnesses a reportable use of force, but fails to notify a shift supervisor and/or fails to complete the form as outlined by this policy, shall be subject to disciplinary action.
  9. A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force shall not be allowed to conduct the investigation.
  10. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor to document the incident as a citizen complaint. The supervisor shall investigate the incident in accordance with applicable policies.

## **B. Force Levels**

1. Level 1
  - a. A firearm is intentionally pointed at a person;

- b. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab).
- c. An on-duty firearm discharge to dispatch an injured animal; or
- d. A weaponless defense technique control hold is applied:
  - 1. Escort (elbow);
  - 2. Twist lock;
  - 3. Arm-bar; or
  - 4. Bent-wrist.

**NOTE: Unresisting handcuffing is not considered a reportable use of force.**

## 2. Level 2

- a. Chemical agent is applied to a person;
- b. The use of an CEW involving any of the following circumstances:
  - 1. When one or more probes impacts or penetrates the subject's clothing or skin;
  - 2. When the push stun arc touches the subject's clothing or skin; or
  - 3. A CEW is deployed at a person but misses.
- c. Any impact weapon, including specialty impact munitions, or any other instrument is used in an attempt to strike another person but **no contact is made**; or
- d. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving, or controlling a person);
- e. A weaponless defense technique, other than control holds, but excluding strikes to the head. Examples include:
  - 1. Hand/palm/elbow strikes;
  - 2. Kicks;
  - 3. Leg sweeps; and
  - 4. Takedowns.

- f. An on-duty firearm discharge at an animal, other than to dispatch an injured animal.
- g. Any strike to the head (except for an intentional strike with an impact weapon);
- h. Chokehold or neck restraint is applied that does not result in the loss of consciousness;
- i. Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and **contact is made**, regardless of injury.
- j. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject.
- k. Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

***Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.***

### 3. Level 3

- a. Any use of force resulting in death;
- b. Any critical firearm discharge regardless of injury;
- c. Any force which creates a substantial risk of causing death;
- d. Any force which causes serious bodily injuries as identified in this policy
- e. Any intentional impact weapon strike to the head.
- f. Any use of force investigation that is elevated to a Level 3 approved by a Sergeant.

### **C. Referral/Transport for Medical Attention**

- 1. Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.

2. A suspect shall be examined by a physician or qualified health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
  - a. is struck on the head or other body parts with an impact weapon or other hard object;
  - b. is restrained about the neck or throat;
  - c. is sprayed with a chemical agent;
  - d. is subject to a CEW application;
  - e. is struck with any non-lethal weapon projectile such as a CEW probe; or
  - f. is bitten by a police canine.
3. An injured prisoner shall not be admitted to, or held in, detention without being examined and released by a physician or qualified health care provider.
  - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified health care provider.
  - b. Refusal of treatment shall be documented and verified by the officer s and attending physician or qualified health care provider.

**D. Supervisory Responsibilities**

1. General
  - a. The Supervisor, after being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force. The supervisor, after being notified of a Level 3 use of force, will immediately notify the Chief of Police.
  - b. While at the scene of a Level 2 or 3 use of force, the supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.
  - c. While at the scene of a Level 2 or 3 use of force, the Supervisor will photograph or videotape all claimed or visible injuries, and all areas where

the officer reports striking the subject. Photographs of the subject shall be taken even when there are no signs of injury.

- d. The Supervisor shall, within a reasonable amount of time after being notified of a reportable use of force, obtain a case number from Dispatch.

## 2. Level 1 Use of Force

- a. When notified of a Level 1 use of force, the shift supervisor shall do the following:

- (1) Document and review the officers Use of Force Report Form;
- (2) Obtain, review, and sign the completed Use of Force Report Form from each officer prior to the end of the tour of duty;
- (3) Evaluate the basis for the use of force and determine whether the officer's actions were within EHPD policies;
- (4) Forward a copy of the signed completed Use of Force Report Form to the Chief prior to the end of the tour of duty.

- b. The Chief shall review the Use of Force Report and the supervisor's findings and:

- (1) if necessary, return the report to the shift supervisor to correct any identified deficiencies, or
- (2) approve the report and forward to the Chief for filing within 15 calendar days.

- c. The Chief may in his or her discretion return the Level 1 use of force investigation to the supervisor for further review and investigation.

## 3. Level 2 Use of Force

- a. When notified of a Level 2 use of force the supervisor will respond to the scene on a priority basis and shall do the following:

- (1) document, as necessary, the scene of the incident;
- (2) interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported;
- (3) collect or cause to be collected all evidence of use of force;

- (4) identify and interview witnesses other than officers as appropriate;
  - (5) obtain, review, and sign the completed Use of Force Report Form from each officer prior to the end of the tour of duty;
  - (6) forward a copy of the signed completed Use of Force Report Form to the Operations Lieutenant prior to the end of the tour of duty;
  - (7) Summarize his or her investigation and findings
- b. The Chief shall review supervisor's Level 2 reports/reviews within thirty (30) calendar days.
  - c. The Chief shall review all Level 2 Use of Force Investigations and findings made by the supervisor.
4. Level 3 Use of Force
- a. In cases involving a Level 3 or a serious use of force as defined by this policy, the supervisor shall:
    - (1) immediately respond to and secure the scene;
    - (2) insure that officers and citizens receive appropriate medical attention;
    - (3) notify the dispatch that an officer has been involved in a confirmed Level 3 use of force;
    - (4) document, as necessary, the scene of the incident;
    - (5) secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
    - (6) identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units;
    - (7) As soon as possible, secure the weapon(s) used by the involved officer(s)
  - b. Dispatch will immediately notify the Chief of Police or his designee. The Chief of Police will initiate an Internal Affairs investigation to determine whether the officer(s) followed EHPD policy.

- c. The Investigation shall be conducted consistent with the approved Level 3 investigation protocol attached to this policy as Appendix A, and in compliance with Conn. Gen. Stat. §51-277a.

**E. Sergeant Responsibilities**

1. Ensure that the supervisors respond to the scenes of reportable use of force as required.
2. Review Use of Force investigations submitted by the immediate supervisor, and:
  - a. Verify that all applicable Use of Force Report Forms and accompanying paperwork were submitted within the specified timelines;
  - b. Ensure that the Use of Force Report Forms and accompanying paperwork were reviewed and signed by the immediate supervisor; and
  - c. Verify that the use of force is reported accurately and completely, and that all information concerning the incident/arrest is consistent in all reports.
    - 1) Where there are discrepancies between the reports, or the Supervisor determines that further investigation is required, he/she shall return the investigation to the appropriate supervisor for corrections, clarification, and additional investigative steps as needed.
3. Once the investigation is approved, determine the disposition for each allegation of use of force:
  - a. Justified, Within Department Policy – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate an EHPD policy.
  - b. Justified, Policy Violation – a use of force is determined to be justified, but during the course of the incident the subject officers violated an EHPD policy;
  - c. Justified, Training Opportunity – a use of force is determined to be justified, no EHPD policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or



- d. Not Justified, Not within Department Policy – a use of force is determined to be not justified, and during the course of the incident the subject officer violated EHPD policy.
4. The Sergeant shall submit findings and conclusions to the Chief within fifteen (15) working days after receipt of the investigative case file from the investigating supervisor.
5. The Chief shall hold supervisors accountable for the quality of their performance reviews and investigations.
6. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.

**F. Raid and Warrant Situations**

1. Each officer who uses force will fill out a separate reportable use of force report form including pointing of firearms at subjects during raids, or execution of search and/or arrest warrants.
  - a. Officers are advised that the reportable use of force report does not take the place or substitute for the completion of a Incident Report. An incident report should be prepared and the incident report number must be included in the Use of Force Report Form.
  - b. The use of force investigations shall be conducted in accordance with and pursuant to applicable EHPD policies.

**G. Training**

1. The EHPD shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and EHPD policy. EHPD shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.

## Appendix A

**INVESTIGATION OF LEVEL 3 OFFICER-INVOLVED DEADLY FORCE INCIDENTS INCLUDING IN-CUSTODY DEATHS.****INTRODUCTION**

This procedure establishes responsibilities and duties concerning the investigation into the use of deadly force incidents, in which serious bodily injury occurs. This includes, but is not limited to, the use of firearms. If the actions of an officer are in question, the investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees. Conn. Gen. Stat. § 51-277a governs the investigation of an officer's deadly force application which results in the death of a subject.

**A. Responsibilities and Duties of Involved Officer**

1. When deadly force is used and results in an injury, upon first opportunity after the scene is secured, the officer shall immediately:
  - a. When a firearm is involved, holster the weapon, without unloading, or reloading it;
  - b. Determine the physical condition of any injured person and render first aid;
  - c. Request emergency medical aid;
  - d. Notify Glastonbury Dispatch of the incident and location; and
  - e. Detain all witnesses.
2. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the Shift Supervisor at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
3. The officer shall protect his/her weapon for examination and submit it to the appropriate supervisor or investigator. When a weapon is taken from an officer it will be replaced by supervisors as soon as practicable.

4. The officer shall prepare a detailed report of the incident and be interviewed not less than 48 hours after the Level 3 use of force.
5. The officer shall not discuss the case with anyone except:
  - a. Supervisors and assigned investigative personnel;
  - b. His attorney; and/or
  - c. Mental health professional.
6. Once Glastonbury Dispatch is notified, it shall:
  - a. Dispatch requested medical aid;
  - b. Notify the on-duty patrol shift supervisor; and
  - c. Notify the Sergeant, or in his/her absence, the Chief.

**B. Shift Supervisor**

1. The shift supervisor shall:
  - a. Proceed immediately to the scene;
  - b. Secure the scene;
  - c. Notify the State Attorney's Office
  - d. Attempt to obtain and document a Public Safety Statement from the involved officer, to include:
    - (1) A verbal account from involved personnel to help determine the general circumstances of the incident;
    - (2) Assess the need for resources and notifications;
    - (3) Help set the perimeter;
    - (4) Locate injured persons;
    - (5) Determine the nature of the evidence to seek;
    - (6) Identify the number of suspects involved;

- (7) Identify the number of suspects outstanding; and
- (8) The number and direction of shots fired, if any.
- b. Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the scene, unless relieved by the investigating agency, to include:
  - (1) Department personnel;
  - (2) Medical personnel;
  - (3) Fire Department personnel; and
  - (4) Other persons.
- c. Conduct a preliminary field investigation;
- d. Conduct a reasonable canvas in an effort to identify and obtain statements from witnesses in the proximity of the use of force incident;
- e. Coordinate the preliminary investigation with the outside Investigators and Internal Affairs investigators, to include but not limited to:
  - (1) Identifying involved and witness personnel;
  - (2) Ensure all officers complete necessary reports ;
  - (3) Ensuring the preservation of evidence;
  - (4) Identifying other witnesses in accordance with the provisions of Section C; and
  - (5) Assisting investigators to ensure statements are taken.
- f. Assist the involved officer (s); and
- g. Submit a detailed written report of the results of preliminary investigation to the Chief of Police.

**C. Officers Who Witness Level 3 Use of Force:**

1. Shall not discuss their observation with anyone except the first responding supervisors or investigators.
2. Witness officers can be ordered to provide a statement and detailed report of their observations.

**D. Investigative Responsibility:**

1. Investigations of deadly force incidents in which injury occurs will require a State Police investigation. The Chief of Police will initiate an Internal Affairs Investigation and assign an investigator.
2. Investigations of deadly force incidents in which death occurs will be supervised by the Division of Criminal Justice pursuant to Conn. Gen. Stat. 51-277a.
3. The Connecticut State Police and the Forensic Laboratory will be notified in accordance with requirements.

**E. Treatment of Officer:**

1. In every instance in which an officer uses deadly force, where such use results in death or serious bodily injury to another person, the officer will be immediately relieved of normal duty.
2. The officer shall be available at all times after the incident and available for official interviews and statements regarding the case. The officer shall be subject to recall to normal duty at any time after the preliminary investigation.
3. Assignment to a "relieved of normal duty" status shall be non-disciplinary, with no loss of pay or benefits.
4. Relief from normal duty (the officer may be assigned administrative duties) serves two purposes:
  - a. To address the personal and emotional needs of an officer involved in the use of deadly force in which injury or death occurs; and
  - b. To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.

5. If the preliminary investigation discloses a question about the officer's actions regarding the incident, then the appropriate guidelines regarding the rights of the accused will be followed.

**F. Chief's Responsibility**

1. Shall respond to the scene and take command of the incident.
2. Monitor the incident to ensure good scene management and ensure the assigned supervisor coordinates and assists with a thorough and proper preliminary investigation.



# EAST HAMPTON POLICE DEPARTMENT

## GENERAL ORDER 3.7

### RULES OF CONDUCT

<b>SUBJECT: FIREARMS POLICY</b>		
<b>Issue Date:</b> TBD	<b>Effective Date:</b> TBD	<b>Distribution:</b> All Personnel
<b>Amends/Rescinds GO: 3.7 dated 4/9/2019</b>		<b>Review Date:</b> /        /
<b>Per Order of:</b>   <b>Dennis Woessner, Chief of Police</b>		
<small><i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i></small>		

#### I. PURPOSE

To establish guidelines and procedures governing East Hampton Police Department (EHPD) issued and/or authorized firearms and ammunition including training, qualification, safety, carrying, care and maintenance.

#### II. POLICY

The EHPD is committed to the belief that increased training enhances professionalism and decreases the likelihood of injury to officers and citizens. Because of this commitment, officers are required to demonstrate bi-annual proficiency in the use of firearms. Only officers who first receive training in the EHPD’s use of force and firearms policies and demonstrate proficiency in their application are authorized to carry firearms. All EHPD qualifications and sponsored firearms training shall be administered by certified firearm instructors. Firearms qualification is a combination of skill and discretion. EHPD training emphasizes proper use of force decision-making (when to shoot as well as how to shoot). [Refer to General Order 3.1 (Use of Force)].

Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) Defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent escape.

Officers are specifically granted the legal authority to carry weapons under CGS 53-206 "while engaged in the pursuit of such officer's official duties."

### III. DEFINITIONS

Administrative No Gun Status: The lack of technical ability to qualify, as determined by the Firearms Training Unit.

Bi-annual Firearm Qualification: Firearms qualification twice in a single calendar year.

Firearm: An issued and/or authorized weapon designed to expel a projectile by the action of an explosive (e.g., revolver, pistol, shotgun, rifle) to be utilized in accordance with applicable department policies.

Magazine or "Source of Feed": An ammunition retainer for semi-automatic pistols.

Medical No-Gun Status: The lack of physical ability to qualify with a firearm as determined by the department physician.

Physical Stress Training: Requires the officer to successfully perform an agility drill before or during a live-fire exercise.

Primary Sidearm: The on duty sidearm and the weapon officers must use to train and qualify with, biannually.

Proper Use of Force Decision Making: Means the use of reasonable force, including proper tactics, and de-escalation techniques.

Psychological Stress Training: Under stress certain physical changes may occur (e.g., loss of fine motor skills, tunnel vision, auditory exclusions). This training mentally prepares the officer to overcome or minimize these changes by demonstrating proficiency in a variety of skills within a specific time frame.

Secondary Sidearm: Any department approved option weapon carried holstered and concealed, either in addition to the on duty primary sidearm, or off duty.

### IV. PROCEDURES

#### A. Authorized Use of Firearms/Ammunition



## 1. General

- a. Only those firearms and ammunition which are issued and/or authorized and trained in by the East Hampton Police Department shall be carried while on or off-duty. This is true even if a officer chooses to secure a CCW permit in addition to his/her authorization to carry a firearm granted by virtue of his/her certification as a East Hampton Police Officer;
- b. All officers will be issued a department approved firearm as a primary sidearm for on duty carrying to the exclusion of all other sidearms unless the Chief of Police has granted special permission.
- c. Qualification with one department issued or department-approved model firearm does not qualify the officer to carry other model firearms. Officers must qualify with their issued sidearm. Officers wishing to carry a personal weapon on or off duty must qualify with it.

## 2. Security of Weapons

- a. Officers are responsible for the care, cleaning, and security of weapons issued to them. Officers shall keep their department issued and/or approved weapons in good, serviceable condition at all times. All weapons shall be kept clean and free from excessive amounts of oil and ready for inspection;
- b. When an officer's residence is to be vacant for an extended period of time (e.g., furlough, extended leave, or extended use of compensatory time, etc.) the officer shall not leave a department issued weapon at the residence. An officer may leave the department issued weapon at the department if appropriate storage facilities are available. An EHPD locker is an inappropriate storage facility for any weapon.

## 3. Repair

- a. Officers shall report and explain any weapon malfunction to an EHPD armorer. EHPD issued weapons shall only be repaired by EHPD armorers. EHPD approved off duty weapons may be repaired by EHPD armorers, but all parts must be supplied by the officer;
- b. EHPD issued or EHPD approved weapons which become defective will be immediately removed from service;
- c. If an EHPD issued weapon must be replaced, the officer will report to an EHPD Armorer to get a replacement. The EHPD Armorer shall record the

information (e.g., weapon, model number, serial number) on the officer's firearm's record.

- d. Officers have the responsibility to insure that their off duty weapons are maintained and inspected in accordance with factory specifications. Repair to off duty weapons must be carried out by a qualified gunsmith in accordance with factory recommendatoinns and specifications.

#### 4. Ammunition

- a. Ammunition for department issued weapons will be issued by the firearms training staff.
- b. Ammunition for off duty weapons must be brand name, factory new ammunition from reputable manufacturers such as Federal, Winchester, or Remington that is approved by the Firearms Training Officer, as authorized by the Chief of Police.
- c. All weapons carried off duty shall be fully loaded.

#### 5. Shoulder Weapons

- a. Only EHPD issued or approved shoulder weapons (carbines, rifles, shotguns) may be carried in any EHPD vehicle. No officer shall carry any shoulder weapon on duty prior to successful completion of training and qualification during the bi-annual firearms qualification program. All shoulder weapons shall be carried in EHPD vehicles in a manner approved by the Chief of Police. Any weapon not able to be secured in a lockable device (gun-vault) shall be removed from the vehicle at the end of the officer's shift.
- b. Department shoulder weapons in vehicles shall be inspected by the officer utilizing that vehicle prior to going on shift

### **B. Firearm Safety - General**

#### 1. General

- a. In general, all firearms shall be carried holstered or in a gun bag or gun box;

- b. Officers are prohibited from the use of shoulder holsters and cross-draw holsters. Ankle holsters may be used off duty or for secondary sidearms provided that the officer has received training from the Firearms Training Officer.
- c. When a weapon is not holstered or not in a gun bag or gun box, officers shall handle the weapon in the following manner:

#### Semi-Automatic Pistol

- (1) Keep your finger off the trigger;
- (2) Remove the magazine;
- (3) Eject round by racking the slide to the rear;
- (4) Visually and physically inspect for obstructions;
- (5) Leave the slide locked to the rear or holster the weapon;
- (6) Keep ammunition separate from the weapon.

#### Revolver

- (1) Keep your finger off the trigger;
- (2) Open the cylinder;
- (3) Extract the ammunition;
- (4) Leave the cylinder open or holster the weapon;
- (5) Keep ammunition separate from the weapon.

#### Shoulder Weapons

- (1) Keep your finger off the trigger;
- (2) Point in a safe direction;
- (3) Make sure the safety is ON;
- (4) Remove the magazine
- (5) Open the action;
- (6) Remove any ammunition;
- (7) Visually check the port and barrel for obstruction;
- (8) Leave the action open or secure the weapon in a box or bag;
- (9) Keep ammunition separate from the weapon.

## 2. Modifications

Officers are prohibited from affixing any attachment, grip, extension or other equipment, or in any way modifying any EHPD issued or approved sidearm without approval from the Chief of Police.

## 3. Prohibited Uses

- a. The use of a firearm is categorized as deadly/lethal force. The use of a firearm must be in strict compliance with this department's Use of Force policy. [Refer to General Order 3.1 (Use of Force)];
- b. An officer shall not unnecessarily display or at anytime use any weapon as an intimidation device;
- c. The firing of warning shots is strictly prohibited;
- d. Officers are prohibited from discharging firearms at or from a moving vehicle or bicycle unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances.

#### 4. Use of Force Reporting

- a. The use of a firearm must be reported in strict compliance with the EHPD's Use of Force policy. [Refer to General Order 3.5 (Reporting and Investigating Force)];
- b. Any use of a firearm must comply with the EHPD's Use of Force Policy (Refer to General Order 3.1.)
- c. The Chief of Police will conduct on an annual basis a review of all use of force incidents.

### C. Monthly Sidearm Firearms Inspections

#### 1. General

**Supervisors** A firearms instructor shall, at least **quarterly bi-annually** conduct a sidearm inspection for all sworn personnel. The inspection shall note the assigned serial number and determine that the weapon is properl lubricated, clean, and fully loaded with department approved ammunition. **Supervisors Firearms instructors** conducting the inspection shall prepare an Inter-Office Memorandum to the Chief of Police, documenting the results.

#### 2. Inspection Procedure

- a. For all revolver and semi-automatic pistol inspections officers may be

directed to a clearing barrel or shooting range by a **firearms instructor supervisor** conducting the inspection to perform the following:

- (1) To remove the firearm from the holster;
- (2) To keep their finger off the trigger and point the muzzle of the firearm into the clearing barrel or down range;
- (3) To open the revolver cylinder or remove the magazine from the pistol, keeping their finger off the trigger. For the revolver the officer shall be instructed to dump the ammunition into their hand, for the pistol, while keeping the finger off the trigger, the officer shall be instructed to rack the slide to the rear several times to eject the chambered round and then lock the slide to the rear;
- (4) To inspect the weapon, ammunition, magazines and barrels with the muzzle of the weapon pointed into a clearing barrel or downrange (reload revolvers and close cylinders). Reload all magazines and recharge pistols with the finger off the trigger;
- (5) While keeping their finger off the trigger the officer shall be instructed to reholster.

### 3. Annual Inspection

A department armorer shall on an annual basis take each officer's firearm and totally disassemble it to ensure all internal parts are functioning correctly and the weapon is clean. The inspection process shall be documented, via memorandum or Inspection Form and forwarded to the Chief of Police or his designee.

### 4. Annual Inventory

An annual inventory to include the location of all firearms will be done by the Chief of Police or his designee

## D. Firearms Training

### 1. General

- a. All officers are required to train and qualify with their primary on duty firearm and any other on duty **or off duty EHPD** issued or approved firearm bi-annually. **Officers will qualify with their off-duty weapons on an annual basis.** Certified firearm instructors will provide corrective measures for any deficient firearm techniques and/or any failure to adhere to safe handling procedures;
- b. All officers that fail to qualify with their duty weapon shall relinquish their

- EHPD issued firearms and be relieved of their police powers;
- c. The Training Sergeant shall ensure that all of their officers are scheduled to qualify on a bi-annual basis. Bi-annual firearms qualification should occur at six month intervals or as close to six month intervals as possible;
  - d. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification;
  - e. ~~The firearms instructor or department armorer shall inspect all EHPD issued weapons annually to ensure that all weapons are safe and that they are properly maintained.~~ Off duty weapons will be checked for cleanliness, corrosion or obvious defects. The officer is responsible to ensure that off duty weapons are properly maintained.
  - f. The standards for all firearms qualifications shall at a minimum meet the guidelines set forth by the Police Officers Standards and Training Council (POSTC).
  - g. Training and qualification sessions for revolvers, semi-automatic pistols and shoulder weapons, include POSTC marksmanship requirements, use of force policy review, use of force decision making and may include stress training and night fire training.
  - h. Upon successful completion, the range instructor shall make an appropriate notation in the training record as required by POSTC and maintain such records in a training file.
2. Accidental or Unintentional Firearm Discharge
- a. Officers who experience an accidental or unintentional discharge or that have improperly used a weapon shall receive and successfully complete firearms re-training. An Inter-Office Memorandum shall be submitted to the Chief of Police by a supervisor requesting that the officer(s) be provided with re-training. A copy of the investigation and report on the incident precipitating the request shall be attached;
  - b. Re-training sessions shall not be scheduled for a officer on leave or on furlough. The officer shall be assigned to the Range under the most similar conditions to the actual incident (e.g., weather, time, etc.), if feasible. Copies of the request for training, the reply and the date of completion shall be stapled together and placed in the officer's **command training** file;

- c. All accidental or unintentional firearm discharges are classified as a use of force and will be investigated by the Chief of Police or his designee.

#### **E. Firearms Qualification**

##### 1. Failure to Qualify

Failure to successfully complete the required training and qualification at the indicated frequency or to adhere to all safety protocols of the EHPD shall result in the administrative actions listed below:

- a. Officers who fail to qualify shall be relieved of their firearm and shall be assigned to administrative duties as well as being placed on a no-gun status. The officer is also prohibited from taking any law enforcement action. The officer will be advised in writing by the Chief of Police of their no-gun status. The written advisement shall be signed by the receiving officer; sign a Revocation Notice acknowledging not only that the officer is in a no-gun status but also that the officer is prohibited from taking any law enforcement action;
- b. Those officers that fail to qualify after four remedial training sessions within forty-five days of their initial failure to qualify shall be subject to disciplinary action up to and including a recommendation for termination of employment;
- c. The Firearms Training Officer will notify the Chief of Police of an officer's administrative no-gun status and will provide progress reports for 45 days to the Chief of Police.

##### 2. Primary Sidearm Failure

- a. A failure to qualify with the primary on duty firearm will require that the officer be scheduled for an immediate remedial training session: upon failure to qualify the firearm shall be seized and the officer's supervisor notified immediately of the date and time of the remedial training session. The officer may postpone the remedial training session;
- b. If a remedial training session is missed or if the officer fails to qualify at the initial remedial training session, the officer will not be permitted to carry any firearm on or off duty;
- c. Officers placed in an administrative no-gun status after failing an initial remedial training session are limited to a total of four remedial training sessions, to be completed within a forty-five day period;

- d. Officers placed in an administrative no-gun status will be subject to medical review after the second remedial training session within the forty-five day period.
3. Secondary Sidearm Failure
    - a. All officers are required to train and qualify with their secondary EHPD issued or approved firearm bi-annually;
    - b. A failure to train and qualify with a off-duty firearm will require the officer to be scheduled for a subsequent training and qualification attempt;
    - c. Officers may not carry a secondary firearm prior to successfully completing a training and qualification session.
  4. Shoulder Weapon Failure
    - a. A failure to train and qualify with a department issued or department approved shoulder weapon requires that the officer be scheduled for an immediate remedial training session;
    - b. The officer may not carry or be issued the respective weapon until the officer successfully completes a training and qualification session.
  5. Medical Deferment
    - a. A Medical Deferment does not necessarily excuse a officer from firearms training and qualification. The Firearms Training Officer can accommodate officers in wheelchairs or that are otherwise physically impaired. Officers shall be guided by the Firearms Training Officer and department physician determinations;
    - b. Officers excused from any session(s) of the Training and Qualification Program for a medical condition (as determined by the department physician) shall may be advised of a temporary revocation of authority to carry any weapon, on or off duty, during the deferment;
    - c. Authority to carry a firearm is revoked by the department physician when the officer is either medically unable to take part in or complete a required firearm training and qualification session. The revocation shall take place regardless of whether the officer has previously qualified for the current year;
    - d. The officer relieved of their firearm shall be advised in writing by the Chief of Police of their no-gun status sign the Revocation Notice acknowledging



that the officer is in a no-gun status and is prohibited from taking any law enforcement action. The written advisement shall be signed by the receiving officer. The Revocation Notice shall be forwarded to the Chief of Police.

#### 6. Failure to Attend

- a. The biannual Firearms Training and Qualification dates are determined by the Training Sergeant,
- b. Failure to attend both required training sessions shall may result in the following administrative action:
  - (1) The immediate revocation of authorization to carry a firearm;
  - (2) The officer will be advised in writing by the Chief of Police of the no-gun status and is prohibited from taking any law enforcement action. The written advisement shall be signed by the receiving officer: Officers shall be required to sign the Revocation Notice acknowledging that the officer is relieved from carrying a firearm and is prohibited from taking law enforcement action;
  - (3) This revocation shall remain in effect until such time as the officer attends a training and qualification session;
  - (4) It is incumbent upon each officer to ensure attendance in order to avoid further administrative action.

### F. Carrying Firearms

#### 1. General

- a. No officer shall enter any holding cell or holding cell area with a firearm;
- b. Officers assigned to duty inside any department building shall keep all weapons immediately available but out of view and out of reach of the general public;
- c. The taking of prescription drugs or over the counter medications that may inhibit a officer's ability or judgment prohibits the officer from carrying any weapon. Officers shall notify their immediate supervisor, should they be required by a medical condition, to take any prescription or over the counter drug that may inhibit their ability or judgment to carry a weapon;
- d. Officers are required to store their firearms prior to a medical evaluation or taking part in a EHPD disciplinary proceeding. Lock boxes will be provided. Firearms shall not be removed from any holster in an unsafe manner. Officers shall keep their fingers off the trigger and the firearm

pointed at the floor during the storage process.

## 2. Uniform (On Duty)

- a. Officers shall carry their EHPD issued or approved primary sidearm holstered in an EHPD issued or approved holster, worn in accordance with EHPD uniform standards;

## 3. Civilian Attire (On Duty)

- a. All officers shall carry their EHPD issued or approved sidearm holstered, on their strong hand side, unless otherwise authorized in writing by the Chief of Police. The written authorization shall be retained in the officer's personnel file and shall be effective until the authorization has been revoked;
- b. Officers that have been authorized by the Chief of Police to carry a primary sidearm in a purse, pouch, or similar article shall do so with the sidearm properly holstered, or in a separate compartment. A sidearm shall not lie free with other items;
- c. Officers in civilian attire should make an effort, when practical, not to appear in public places or buildings open to the general public without having their weapons concealed in such a manner so as to allow for no unusual bulges, protrusions, or exposure.

## 4. Off Duty

- a. The carrying of a sidearm while off-duty shall be at the option of the officer;
- b. Officers are responsible for using a functional holster designed for their firearm.
- c. All officers, must carry their EHPD identification card and badge while on-duty or off-duty;
- d. While operating an EHPD vehicle off duty, officers shall be armed with their EHPD issued or approved sidearm;
- e. Officers electing to carry a weapon off duty shall carry an EHPD issued or approved sidearm, holstered, in a safe and accessible manner, and concealed from public view;
- f. Officers are prohibited from participating in any sporting activity while

- carrying a sidearm;
- g. Officers shall not carry any weapon while engaged in or participating in any public demonstration, rally, march or picketing activity;
  - h. State law prohibits persons from carrying a firearm if their blood alcohol level is .08 or above,
  - i. **Officers shall not carry a firearm in situations where an officer's performance may be impaired.** The odor of intoxicants on the breath of a officer shall be deemed "prima facie evidence" that the officer is unfit for duty;
  - j. Officers are prohibited from carrying a firearm if he or she is taking any debilitating medication (prescribed or non-prescribed);
  - k. Officers shall not carry any weapon while serving in the capacity of juror or prospective juror;
5. Off-Duty Police Action
- a. Off-duty officers shall notify on-duty EHPD and/or local law enforcement officers (if outside of the Town of East Hampton) before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem;
  - b. Off-duty officers are prohibited from carrying or using firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised; and
  - c. If it appears that the officer making an arrest or carrying a firearm while off-duty has consumed alcohol or is otherwise impaired, the officer shall be required to submit to field sobriety, Breathalyzer, and /or blood tests.



# EAST HAMPTON POLICE DEPARTMENT

## GENERAL ORDER 3.8

### RULES OF CONDUCT

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<b>SUBJECT: PATROL RIFLE</b>		
<b>Issue Date:</b> TBD	<b>Effective Date:</b> TBD	<b>Distribution:</b> All Personnel
<b>Amends/Rescinds GO:</b> 12/11/2014		<b>Review Date:</b>
<b>Per Order of:</b>  <b>Dennis Woessner, Chief of Police</b>		
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

#### I. PURPOSE

The purpose of this policy is to provide guidelines for training and deployment of a patrol rifle to members of the East Hampton Police Department.

#### II. POLICY

The East Hampton Police Department is committed to providing its officers with the tools necessary to perform critical functions related to public safety and service. To accomplish this goal, the Department recognizes the need for specialized weapons for use in critical assignments. To this end, East Hampton Police Department officers are authorized to carry and deploy the patrol rifle as provided for in this policy.

Only members of the East Hampton Police Department that have successfully completed the established course of Patrol Rifle training shall be authorized to carry Patrol Rifles. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a Patrol Rifle for the purpose of securing it, or from deploying the rifle in extraordinary circumstances.

This policy is intended to be consistent with, and a component part of, the Department policy on the Use of Deadly Force.

**Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary: (1) Effect an arrest**

or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) Defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent escape.

Officers are specifically granted the legal authority to carry weapons under CGS 53-206 "while engaged in the pursuit of such officer's official duties."

**III. DEFINITIONS**

Patrol Rifle [Redacted]

Storage Condition: The rifle's selector lever on "safe," magazine removed, chamber empty, bolt and dust cover closed.

Tactical Condition: [Redacted]

Cruiser Carry: [Redacted]

**IV. PROCEDURE**

**A. Equipment**

- 1. The East Hampton Police Department issues and authorizes for use the following rifles:

[Redacted list of rifles]

**B. Maintenance**

1. Officers are responsible for keeping their assigned rifle serviceable, clean, and lubricated. Maintenance of rifles shall be the responsibility of a department rifle armorer.
2. Primary responsibility for maintenance of patrol rifles shall fall on the Department Rifle Armorer who shall inspect and service each patrol rifle on an annual basis. The rifle will be totally disassembled to ensure all internal parts are functioning correctly and the weapon is clean. The inspection process shall be documented, via memorandum or Inspection Form and forwarded to the Chief of Police or his designee. quarterly basis.
3. All rifles are subject to inspection by a supervisor, the Department Range master, or Department armorer at any time.
4. Officers shall not perform any alterations or modifications other than routine cleaning and maintenance without prior written authorization from the Chief of Police or Department armorer.
5. Any damage or mechanical failure, other than minor cosmetic damage, shall be immediately reported to the Shift Supervisor. The rifle shall be taken out of service until repaired and cleared for service by a department armorer.

**C. Deployment Guidelines**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**D. Cruiser Carry**

1. Any qualified officer carrying a patrol rifle in the field will inspect the rifle at the beginning of their shift and ensure the rifle and accessories are in proper working condition. The officer will inspect and test:
  - a. Sighting system including low light function.
  - b. Flashlight operation and brightness.
  - c. Sling.

[REDACTED]

[REDACTED]

**E. Deployment Ready and Making Safe the Patrol Rifle**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**F. Post Firing Rifle Handling**

1. In the event the rifle is fired, the officer must maintain the condition of the rifle.
2. After the incident has been stabilized, the safety shall be engaged. Another officer may engage the safety if the firing officer is unable to do so.
3. No other actions shall be taken to render the rifle "safe."
4. The rifle shall be turned over to the appropriate investigators.
5. The Chief of Police will conduct on an annual basis a review of all use of force incidents.

**G. Rifle Security**

1. Vehicles



#### H. Rifle Storage

1. When not in use, patrol rifles will be stored in the **gun safe in the armory.** **roll call rifle cabinet.**
2. At the start of each assigned shift, any qualified, on-duty officer may select a rifle from the **gun safe in the armory.** **If an officer removes a rifle from the gun safe, they shall sign the weapon out in the logbook kept in the armory.** **roll call rifle cabinet.**
3. **The EHPD designation for the rifle will be recorded on the Patrol Division Day Sheet.**
4. At the end of the assigned officer's shift, the patrol rifle will be inspected by the officer for any maintenance issues and returned to the designated storage area. **If the weapon is returned to the gun safe the officer will sign the weapon back in, utilizing the logbook.** **The rifle will not be left in a police vehicle for use by the next shift.**
5. **Rifles can be stored in other secure locations if approved by the Chief of Police.**
6. Any maintenance issues will immediately be brought to the attention of a supervisor; the supervisor will bring any rifle issues brought to their attention to the rifle armorer and the training officer.
7. **An annual inventory to include the location of all firearms will be done by the Chief of Police or his designee.**

**I. Training**

1. Officers will receive patrol rifle training on a bi-annual at least an annual basis. using the guidelines for qualifications created by the Training Officer. The standards for all firearms qualifications shall at a minimum meet the guidelines set forth by the Police Officer Standards and Training Council (POSTC). Proficiency standards and the accompanying records shall follow the criteria outlined in Firearms, Impact Weapons, and Less Than Lethal Weapon Policy.

This policy will be incorporated into the Firearms training curriculum. The Training Officer will receive written confirmation that the officer has read and understands the contents of this policy as part of the annual training program.



# EAST HAMPTON POLICE DEPARTMENT

## GENERAL ORDER 9.5

### TRAINING AND SELECTIONS

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

#### I. PURPOSE

The purpose of this general order is to establish a written directive, which describes the East Hampton Police Department's procedures related to the Department's in-service training, roll call training, and accreditation familiarization processes.

#### II. POLICY

It is the policy of the East Hampton Police Department to provide annual retraining programs, roll-call training, and accreditation familiarization for sworn officers, as well as, civilian employees in order to improve and enhance their knowledge, skills, and abilities. All training must be consistent with the Department's goals and objectives. The Training Sergeant is assigned the functional responsibility for Department training and is accountable for developing and administering training programs. Program development provides for input from several sources, including Department personnel in general, a training committee, the inspections function, and, most importantly, the Chief of Police.

#### III. DEFINITIONS

Proficiency In-Service Training: A training process designed to stimulate, develop, and improve the skills, knowledge, and abilities necessary to stay competent in the duties and responsibilities of the position.

Career Specialty In-Service Training: A training process used to provide an advanced level of instruction in an area of interest and specialization that enhances the overall

potential for job satisfaction and career advancement.

#### IV. PROCEDURE

##### A. Department Annual Retraining Program

###### 1. Introduction

- a. Training has often been cited as one of the most important responsibilities in any law enforcement agency, and serves three broad purposes:
  - (1) Well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations.
  - (2) Training results in greater productivity and effectiveness.
  - (3) Training fosters cooperation and unity of purpose. Moreover, law enforcement agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training.
- b. Sworn personnel shall complete an annual retraining program, as required by the Connecticut Police Officers Standard and Training Council (POSTC), and the Department, to ensure that personnel are kept up to date with new laws, technological improvements, and revisions in agency policy, procedures, rules, and regulations. The mandatory retraining program is designed to provide supervisory, management, or specialized training to participants. Retraining is used to supplement promotional training, training prior to assignment to a specialized component, or executive development training for higher-ranking officers.
- c. The retraining program is designed to further the professionalism of the individual officer as well as that of the Department. The training includes a review of the following topics:
  - (1) Agency policy, procedures, and rules and regulations, with emphasis on changes
  - (2) Ethics and integrity taking into consideration cultural influences, policy compliance, and doing what is correct rather than what is not illegal.
  - (3) Statutory or case law affecting law enforcement operations, with emphasis on changes
  - (4) The functions of agencies in the local criminal justice system
  - (5) Exercise of discretion in the decision to invoke the criminal justice

- process
- (6) Interrogation and interviewing techniques
  - (7) Agency policy on the use of force, including the use of deadly force
  - (8) The performance evaluation system
  - (9) New or innovative investigative or technological techniques or methods, if any
  - (10) Hazardous materials incidents
  - (11) Contingency plans, if any, including those relating to special operations and unusual occurrences
  - (12) Crime prevention policies and procedures
  - (13) Collection and preservation of evidence
  - (14) Report writing and records system procedures and requirements
  - (15) Victim/witness rights, policies, and procedures
  - (16) Other training as necessary

## 2. Proficiency In-Service Training

- a. Proficiency in-service training keeps the employee up to date on the duties and responsibilities of the job presently being performed and enhances the employee's skills beyond the minimum level and increases the potential for career development. Proficiency in-service training is available to all members of the Department.

## 3. Career Specialty In-Service Training

- a. Career specialty areas are designed to stimulate personnel to compete for new areas of interest and specialization and to enhance the overall potential of the employee for upward mobility. Although the majority of Department personnel are generalists, the Department attempts to identify and/or provide training opportunities for all specialty positions. The nature and scope of such training should be determined by the skills, knowledge, and abilities required of each specialty. Career specialty in-service training will be provided prior to assignment or as continued training within the position.

## 4. Management Training

- a. Management and supervisory training are key elements in an employee's career development, and are also major factors in enhancing an employee's overall potential for upward mobility. Supervisors are to receive ongoing training in the following areas:

- (1) The development and communication of goals and objectives
- (2) Situational Leadership and Decision making
- (3) Problem identification, prevention and solution
- (4) Management information systems
- (5) Fiscal management
- (6) Organizational behavior

#### 5. Inventory of Resources

The Training Sergeant will maintain an inventory of resources available to assist with in-service training for employees. This inventory is to contain a brief description of the training opportunities offered by the resource and contact information (contact person, address and phone number).

#### 6. Advanced Training

- a. Advanced training is considered training provided by the FBI National Academy, New England Law Enforcement Institute, Northwestern, Southern Police Institute, etc. Generally those officers acting in a mid-management position, or higher, shall be considered for advanced training. Officers wishing to receive such training are encouraged to forward requests up the chain of command, listing the specific school, costs, and justifying the need for such training. The Chief of Police will make the final selection for advanced training. Criteria for selecting personnel for advanced training shall be based on the following:

- (1) The officer's ability to meet entrance qualifications; and
- (2) The current rank and/or command position.

- b. The assignment and additional responsibilities of an officer selected for advanced training will be decided prior to the officer leaving for the training. Advanced training should satisfy any of the following training requirements:

- (1) Management Theory
- (2) Resource Utilization
- (3) Supervisory Roles/Techniques
- (4) Police Administration
- (5) Executive Leadership
- (6) Police Ethics
- (7) Change Management

#### **B. Roll Call Training**

1. Roll call training is a technique that may supplement all other training. Roll Call training is a useful element of the Department's training program, and is accomplished through the Department's formal Roll Call, or Shift Briefing Periods, by the Shift Supervisor or other supervisor. The goal of this training should be to keep officers/employees up to date between formal retraining sessions. Roll Call training topics may include:
  - a. Department policy, procedures and rules
  - b. Changes or enactment of new laws
  - c. Operational techniques or methods
  - d. Town policy, procedures, and rules
  - e. Safety and OSHA mandated training
  - f. Other training as required or needed
2. Roll call training should especially address a review of policy and procedures that relate to High-Risk/Low Frequency events, particularly those events having No Discretionary Time (NDT) to prepare in advance.
3. It is the responsibility of the Training Sergeant to plan for documented Roll-Call training in cooperation with the respective Shift Supervisors. Roll Call training may involve the use of videotapes, lecture, or participating discussion. The programs shall be short (less than ten minutes) and informational. Instructors will generally be the Shift Supervisors, but may include other personnel especially skilled or qualified in the particular topic. Instruction methods may include the following:
  - a. Lecture
  - b. Video
  - c. Demonstration
  - d. Articles, handouts, and other reading materials
  - e. Group discussion
  - f. Role-play, simulation, etc.

It shall be the responsibility of the Shift Supervisor to ensure that those officers missing Roll Call training receive it as soon as practical. Officers are responsible to know and understand the Roll Call material taught.

### **C. Accreditation Process Familiarization**

1. The intent of this section is twofold. First, it ensures that all employees are familiar with accreditation and what it entails during the self-assessment process. Second, familiarizing new employees with the process will provide a historical perspective and emphasize the importance of accreditation to the Department. This familiarization process will include:

- a. The history and background of accreditation
  - b. The Department's involvement in the process
  - c. The accreditation process
  - d. The goals and objectives of accreditation, and the advantages of accreditation and its impact on the Department.
2. The Accreditation Manager is responsible for this function and any and/or all of the following means may achieve this familiarization:
- a. Classroom instruction
  - b. Video
  - c. Newsletter
  - d. Memo
3. Familiarization with the accreditation process will be provided to Department employees as follows:

a. Newly Hired Personnel

All newly hired employees will be provided familiarization training as part of the Employee Orientation Program and/or Field Training and Evaluation Program. As part of this training, an introduction to the accreditation process, function, and applicable standards will be provided, especially standards dealing with the use of force, police pursuits, and the citizen complaint process.

b. Self-Assessment Phase

The Department will conduct periodic retraining on select portions of accreditation standards to various functions and positions, and will seek to involve members as much as possible in the accreditation process. Personnel will be encouraged to participate in accreditation audits, to provide input to the accreditation process through goals and objectives, and to provide input through reports required by accreditation standards. During the self-assessment phase of accreditation and re-accreditation, the **Training Sergeant Accreditation Manager** will keep all Department personnel abreast of the process. This will be accomplished by inter-office memos, Department meetings, briefings, Staff Meetings, Internal In-Service Training, EMAIL, or as determined by the Chief of Police.

c. On-Site Assessment



Just prior to a re-accreditation on-site assessment, the ~~Training Sergeant~~ **Accreditation Manager** will apprise all Department personnel of the upcoming on-site assessment and what it will entail. This will be accomplished by inter-office memos, Department meetings, briefings, staff meetings, internal in-service training, EMAIL, or as determined by the Chief of Police. Prior to the on-site, information will be distributed explaining the process and detailing each member's duties and responsibilities. Supervisory personnel will be actively involved in the preparation and will be encouraged to involve members of the Department to participate in the on-site evaluation of the agency.

d. Advanced Accreditation Training

The Chief of Police and or the Accreditation Manager, **will attend training as required by the Police Officer Standards and Training Council Law Enforcement Accreditation Program**, ~~will attend at least one meeting of the Commission on Accreditation for Law Enforcement Agencies during the three-year accreditation period~~, if at all possible, subject to budgetary and manpower limitations. ~~The Accreditation Manager will attend at least one CALEA meeting per year, subject to budgetary approval.~~ The Chief of Police may require additional accreditation training assignments of other Department personnel as he sees fit.

Fowler Dix Park VFW Post 5095  
20 North Maple Street East Hampton, CT 06424  
(860) 267-8837  
quartermaster@vfwpost5095.com  
[www.vfw.org](http://www.vfw.org)

Agenda Item 10d

June 28, 2022

Dear Chairman Philhower and town council members:

With the passage of the American Rescue Plan Act (ARPA), Civic organizations in East Hampton are already at work addressing urgent community recovery needs. Strong civic organizations – and a well-supported community – are essential to the recovery of communities devastated by the impact of the COVID-19 pandemic. Throughout the pandemic, Fowler Dix Park VFW Post 5095 has worked diligently to provide resources and assistance within the community, absorbing being closed for nearly 2 years, and limited access to our facility. Our post has been challenged to adapt quickly and creatively in order to best serve members of our veteran community and the residents of East Hampton. Providing funds for multiple civic and educational needs, such as scholarships, donations to East Hampton Food Bank, and Fuel Bank. We also provide financial assistance to veterans in need. The work of Post 5095 extends far beyond the walls of our physical space. During the pandemic we continued fund 2 scholarships, rides for veterans to VA medical centers, and visit veterans in our state home in Rocky Hill when possible. During the pandemic we lost 3 of our major funds rising events. 2 Old Home Days and 1 Lobsterfest. These events represent a large amount of our yearly funds we collect. The need for veteran and civic services in our community increases in times of crisis. At this critical time, when veterans and residents are turning to their local organizations for urgently needed resources and services that they cannot access elsewhere, state and local support is needed now more than ever. ARPA funding will ensure organizations, such as our VFW post are positioned to meet our local COVID-19 recovery needs in the coming months and years. This funding is critical to the success of our post and our veterans and East Hampton resident. As you make plans for the ways in which ARPA funding will be dedicated in East Hampton, consider how a small investment in Fowler Dix Park VFW Post 5095, ensures an equitable allocation of resources, strengthens the fabric of our community, and moves the needle towards East Hampton's shared visions for residents' ability to realize their full potential within our community. We respectfully ask for an allocation funding of \$10,000 and empower our veterans, residents and the community they continue to serve with the resources we need to continue the work we do.

Thank you in Advance,



QUENTIN D WALTON  
POST COMMANDER, VFW POST 5095 EAST HAMPTON, CT.

JUL -1 2022

DRAFT - Showing Changes

## Town of East Hampton

# Assistant to Tax Collector (Tax Clerk)

### Nature of Work

~~The Assistant to the Tax Collector (Tax Clerk) provides exceptional customer service to the public. Provides technical and administrative assistance to the Collector of Revenue in billing, collecting, crediting of taxes and related billings or charges. Assumes responsibility of the office in the absence of the Collector upon obtaining certification. The incumbent, under general supervision of the Tax Collector, performs clerical duties of average complexity as related to the collection of taxes and other revenue.~~

### Supervision received

~~Receives general supervision from the Collector of Revenue. Under the direct supervision of the Tax Collector.~~

### Supervision Exercised

None.

### Essential Duties & Responsibilities

- ~~Preforms administrative and clerical tasks in preparing, printing, and mailing of tax bills for real estate, personal property, motor vehicle, and supplemental motor vehicle tax bills, as well as sewer use charges.~~
- ~~Receives, posts, and reconciles payments daily. payments for real estate, personal property and motor vehicle taxes.~~
- ~~Makes change and gives receipts.~~
- ~~Enters payments into computer.~~
- ~~Responds to inquiries from taxpayers, attorneys and escrow companies, answers questions on policies, procedures, and legal changes. Answers questions of taxpayers, attorney's and bank personnel both in person and by correspondence regarding tax status of property and payment of taxes.~~
- ~~Balances collections for the day with receipts.~~
- ~~Posts transactions.~~
- ~~Performs cCollection and information duties at the counter.~~
- ~~Performs clerical tasks such as typing, filing, postingposting, and proofreading.~~
- ~~Prepares Types- letters and forms, corresponds by letters and email.~~
- ~~Collects delinquent real property taxes, motor vehicle and personal property taxes. and types supporting papers.v~~
- ~~Maintains records and prepares files for financial interface with the Finance Department. and statistical reports.~~
- ~~Performs arithmetic computations requiring accuracy to examine, verify, and correct tax charges. Calculates interest on late bills.~~
- ~~Validates bills on register. Processes taxpayer transactions at the counter and through the mail.~~
- ~~Adds rate book in process of balancing.~~
- ~~Prepares bank deposits.~~
- ~~Assists in delinquent collections, including preparing delinquent statements and tax collector's demand notices. Prepares tax collector's demands and statements.~~
- ~~Assists in the preparing back tax statements.~~

- ~~Collects sewer assessment fees and~~ sewer user charges.
- ~~Corresponds with banks.~~
- ~~Prepares and updates escrow coding.~~
- Acts for Tax Collector when absent; and
- Performs related work as required.

### **Knowledge, Skills and Abilities**

- Knowledge of office methods, procedures, rules, regulations and functions.
- Knowledge of the methods of receiving and accounting for money.
- Ability to deal with the public under adverse conditions.
- Ability to operate ~~cash~~ register ~~terminal~~ and other office equipment.
- Excellent mathematical ability.
- ~~Proficient in Microsoft Office. Ability to type. Computer literacy required~~
- Ability to maintain good working relationships with associates and the ~~general public~~public.
- Ability to keep accurate financial accounts and records.
- Ability to learn general laws, polices procedures and records relating to ~~tax collection of real and personal property taxes procedures~~

### **Tools and Equipment Used**

~~Standard office equipment such as a Personal\_ computer; including word processing applications, calculator, phone, copycopier, and scanner and fax machines.~~

### **Minimum qualifications:**

~~Associate degree in accounting or similar, and two (2) years of increasingly responsible work experience preferably in banking and customer service or working in a municipal Collector's Office, or any equivalent combination of education, work experience and training.~~

### **Special requirements:**

~~Connecticut Municipal Tax Collector Certification or ability to attain it within three (3) years of appointment to position. Must be bondable.~~

### **Physical Demands**

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.

Hand-eye coordination is necessary to operate computers and various pieces of office equipment. While performing the duties of this job the employee is frequently required to talk or hear; sit; use hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms. The employee is usually required to stand or walk. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance 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. Work is performed in office settings. The noise level in the work environment is usually quiet in the office.

**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 employee.

# Town of East Hampton

## Assistant to Tax Collector (Tax Clerk)

### Nature of Work

The Assistant to the Tax Collector (Tax Clerk) provides exceptional customer service to the public. Provides technical and administrative assistance to the Collector of Revenue in billing, collecting, crediting of taxes and related billings or charges. Assumes responsibility of the office in the absence of the Collector upon obtaining certification.

### Supervision received

Receives general supervision from the Collector of Revenue.

### Supervision Exercised

None.

### Essential Duties & Responsibilities

- Performs administrative and clerical tasks in preparing, printing, and mailing of tax bills for real estate, personal property, motor vehicle, and supplemental motor vehicle tax bills, as well as sewer use charges.
- Receives, posts, and reconciles payments daily.
- Responds to inquiries from taxpayers, attorneys and escrow companies, answers questions on policies, procedures, and legal changes.
- Performs collection and information duties at the counter.
- Performs clerical tasks such as typing, filing, posting, and proofreading.
- Prepares letters and forms, corresponds by letters and email.
- Collects delinquent real property, motor vehicle and personal property taxes.
- Maintains records and prepares files for financial interface with the Finance Department.
- Performs arithmetic computations requiring accuracy to examine, verify, and correct tax charges.
- Processes taxpayer transactions at the counter and through the mail.
- Prepares bank deposits.
- Assists in delinquent collections, including preparing delinquent statements and tax collector's demand notices.
- Assists in the preparing back tax statements.
- Collects sewer user charges.
- Corresponds with banks.
- Prepares and updates escrow coding.
- Acts for Tax Collector when absent; and
- Performs related work as required.

### Knowledge, Skills and Abilities

- Knowledge of office methods, procedures, rules, regulations and functions.
- Knowledge of the methods of receiving and accounting for money.
- Ability to deal with the public under adverse conditions.
- Ability to operate cash register terminal and other office equipment.
- Excellent mathematical ability.
- Proficient in Microsoft Office.
- Ability to maintain good working relationships with associates and the public.

- Ability to keep accurate financial accounts and records.
- Ability to learn general laws, polices procedures and records relating to tax collection procedures

### **Tools and Equipment Used**

Standard office equipment such as a computers , calculator, phone, copier, and scanner .

### **Minimum qualifications:**

Associate degree in accounting or similar, and two (2) years of increasingly responsible work experience preferably in banking and customer service or working in a municipal Collector's Office, or any equivalent combination of education, work experience and training.

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### Supervision received

~~Receives general supervision from the Collector of Revenue. Under the direct supervision of the Tax Collector.~~

### Supervision Exercised

None.

### Essential Duties & Responsibilities

- ~~• Performs administrative and clerical tasks in preparing, printing, and mailing of tax bills for real estate, personal property, motor vehicle, and supplemental motor vehicle tax bills, as well as sewer use charges.~~
- ~~• Receives, posts, and reconciles payments daily. payments for real estate, personal property and motor vehicle taxes.~~
- ~~• Makes change and gives receipts.~~
- ~~• Enters payments into computer.~~
- ~~• Responds to inquiries from taxpayers, attorneys and escrow companies, answers questions on policies, procedures, and legal changes. Answers questions of taxpayers, attorney's and bank personnel both in person and by correspondence regarding tax status of property and payment of taxes.~~
- ~~• Balances collections for the day with receipts.~~
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- ~~• Validates bills on register. Processes taxpayer transactions at the counter and through the mail.~~
- ~~• Adds rate book in process of balancing.~~
- ~~• Prepares bank deposits.~~
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- Collects sewer user charges.
- Corresponds with banks.
- Prepares and updates escrow coding.
- Acts for Tax Collector when absent; and
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### Knowledge, Skills and Abilities

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- Ability to deal with the public under adverse conditions.
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- Ability to learn general laws, polices procedures and records relating to tax collection procedures

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Office of the COLLECTOR OF REVENUE  
**KRISTY MERRIFIELD, CCMC**  
kmerrifield@easthamptonct.gov

ITEM # 13

September 27, 2022

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 nineteen (19) refunds totaling \$2,426.33.

Respectfully Submitted,

Kristy L. Merrifield, CCMC  
Collector of Revenue

- 27.72 ☒
- 148.83 ☒
- 457.25 ☒
- 281.75 ☒
- 6.91 ☒
- 76.88 ☒
- 14.02 ☒
- 22.72 ☒
- 365.82 ☒
- 342.58 ☒
- 84.63 ☒
- 91.40 ☒
- 99.42 ☒
- 103.60 ☒
- 103.98 ☒
- 66.38 ☒
- 53.59 ☒
- 55.15 ☒
- 23.70 ☒

019

2,426.33 ☒