


East Haven Police Department 	Type of Directive: Policies & Procedures		No. 206.34
	Subject/Title: Harassment Policy	Issue Date: <u>January 31, 2023</u> November 26, 2019	
		Effective Date: <u>February 15, 2023</u> December 15, 2019	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Connecticut General Statute § 46a-60 Connecticut Public Act 19-16 Title VII of the Civil Rights Act of 1964 Town of East Haven Townwide Sexual Harassment Policy		Rescinds: 206.23	
		Amends: N/A	

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the prohibition of all forms of unlawful harassment, including sexual harassment, and the procedures to follow when making and investigating an allegation of harassment.

II. POLICY

- A. It is the policy of the East Haven Police Department to promote a safe, comfortable, and appropriate work environment for all employees. The Department expressly prohibits any form of unlawful harassment, including sexual harassment, among its employees.
- B. It is the policy of the East Haven Police Department to enable employees to make complaints of unlawful harassment, including sexual harassment, without any fear of reprisal, and confidentiality will be maintained to the maximum extent possible. It is unlawful to retaliate against an employee for filing a complaint of harassment or for cooperating in an investigation of a complaint of harassment.
- C. Violations of this policy shall result in disciplinary actions up to and including termination from employment and, if warranted, prosecution under sState or fFederal law.

III. GENERAL GUIDELINES AND CONSIDERATIONS

A. Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity or pregnancy), national origin, older age (beginning at age 40), disability or genetic information (including family medical history).— Harassment becomes unlawful when the enduring offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

1. Offensive conduct may include, but is not limited to offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
2. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
3. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
4. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

B. Sexual harassment is unlawful under the Connecticut Discriminatory Employment Practices (Section 46a-60(a)(8) of the Connecticut General Statutes) and Title VII of the Civil Rights Act of 1964 (42 United States Code Section 2000e et. seq.). Sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: ~~by the Town of East Haven as any unwelcome sexual advances, requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature. There are two (2) common types of sexual harassment. They are "Quid pro quo" and "Hostile work environment."~~

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
4. Examples of sexual harassment include:
 - a. Undesirable sexual advances.
 - b. Suggestive or lewd remarks.
 - c. Unwanted hugs, touches, kisses, and/or requests for sexual favors.
 - d. Retaliation for complaining about sexual harassment.

e. Derogatory or pornographic posters, cartoons, or drawings.

5. Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee, or by a supervisor toward one of a lower rank.

6. The objectionable activity does not have to take place during working hours.

B-C. Quid Pro Quo harassment, a form of sexual harassment, occurs when the harassment is used by the offending individual as the basis for employment decisions, which may have a negative impact upon the person subject to the harassment. –Some examples of this would include the following.

1. Demanding sexual favors accompanied by direct or overt threats concerning the subject's job security, performance evaluation, promotion, salary increases, increased benefits, assignments, or continued employment.

2. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusal to engage in social/sexual behavior.

1. Hostile Work Environment occurs when unwelcome sexual conduct has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an intimidating, hostile, or offensive working environment. Behaviors that can contribute to a hostile workplace include, but are not limited to, the following:-

1. Contact with any sexual part of a coworker's body (e.g., touching, patting or pinching).

2. Touching any non-sexual part of the body (e.g., shoulder, etc.) after that person has verbally or otherwise indicated that such touching is unwelcome.

D.

3. Verbal harassment or abuse; e.g., referring to or calling a person an endearing, demeaning or sexualized term, or making reference to a person's physical characteristic (e.g., pregnancy) when that person has verbally or in writing indicated to the harasser or the Department he/she does not wish to be addressed or referred to in that manner.

1.

4. Making sexually-oriented comments, jokes, innuendoes, and other offensive statements.

5. Displaying sexually suggestive pictures, objects, cartoons, posters, or pornographic materials (note that this includes locker rooms).

6.2. Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.

7. Continuing to ask a person to socialize after work hours when that person has verbally indicated no interest in such activities.

3.

~~8. Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.~~

~~9. Situations where one employee may create a hostile or intimidating work environment for another employee.~~

~~—— Leering (e.g., prolonged staring) at a person's body, commenting on any traditionally sexual part of a person's body, whistling or cat calls.~~

10.4. Retaliating against individuals who refrain from, or are opposed to, engaging in practices that they reasonably believe are discriminatory in nature.

~~11. Language of a sexual nature in another's presence, or conduct of a sexual nature, even if not directed to the individual, once it is known that he/she objects. This would include such things, but not be limited to; sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, and comments about an individual's sexual activity, deficiencies, or prowess.~~

~~Inquiries into a coworker's sexual experiences, or discussion of one's own sexual activities, after it is known that the individual does not welcome such inquiries or discussions.~~

~~C. Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee, or by a supervisor towards one of a lower rank.~~

~~1. A man or a woman may be the victim of sexual harassment, and a woman or a man may be the harasser.~~

~~2. The harasser does not have to be the victim's supervisor. He/she may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or, in some circumstances, a non-employee.~~

~~3. Sexual harassment may occur between individuals of the same gender and same sexual orientation.~~

5. The victim does not have to be the person to whom the unwelcome ~~sexual~~ conduct is directed. He/she may be someone who is affected by such conduct when it is directed toward another person. For example, the ~~sexual~~ harassment of one female (or male) employee may create an intimidating, hostile, or offensive working environment for another female (or male) co-worker or unreasonably interfere with the co-worker's work performance.

4.

12. H~~Sexual~~ harassment does not depend on the victim having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances that do not result in the loss of a promotion by the victim or the discharge of

the victim may, nonetheless, constitute sexual harassment where such conduct does unreasonably interfere with the victim's work or create a harmful or offensive work environment. The belief that such interference occurred must be objectively reasonable.

6.

~~5. The objectionable activity does not have to take place during working hours.~~

IV. PROCEDURES FOR MAKING AND INVESTIGATING COMPLAINTS

- A. The Department and all employees are subject to the Town of East Haven's Sexual Harassment Policy in addition to this Directive.
- B. All persons having supervisory responsibilities over other employees have an affirmative responsibility to create an atmosphere free of ~~sexual~~ harassment, including sexual harassment and other forms of unlawful harassment. Supervisors are also responsible for taking corrective action consistent with the Town's policy and procedures as soon as they become aware of objectionable activity.
- C. Making Complaints
1. All ~~personnel~~ employees are to be assured that employees who make complaints of unlawful harassment or provide information will be afforded confidentiality to the extent allowed under law.
 - a. The Department shall protect employees from any form of retaliation.
 - b. The Town will not tolerate any retaliation or reprisal by any ~~manager, supervisor or employee~~ individual against any complaining employee or corroborating witness.
 2. Any employee who believes he/she has been subject to unlawful harassment should immediately notify his/her ~~Department Head~~ Supervisor so the Department and Town can take the necessary and appropriate steps to effectively investigate the complaint.
 - ~~3. If the complaint concerns the Department Head Supervisor, the complaint should be brought to any other Department Head Supervisor or the Office of the Town's Assistant Director of Administration and Management – Human Resources. Director of Administration and Management.~~
 - ~~3.~~
 - ~~4. If the complaint is not resolved to the satisfaction of the employee by his/her Department Head, he/she should contact the Director of Administration and Management.~~
 - ~~5.4.~~ 3.4. If the complaint is not resolved to the satisfaction of the employee by the Supervisor and/or the Director of Administration and Management, Office of

~~the~~ Town's Assistant Director of Administration and Management, he/she should appeal to the Office of the Mayor.

~~6.5.~~ Any employee may skip any of the above steps, or pursue different avenues for reporting, at which an effort to mitigate genuine conflict of interest may be created by discussing the complaint with the individual responsible at that level (e.g. the employee believes they have been subject to unlawful harassment by the supervisor).

~~7.6.~~ Any employee is free to bring his or her complaint directly to the State's Attorney or the U.S. Attorney.

D. Investigating Complaints

1. Department Heads, Supervisors, and the Director of Administration and Management are responsible for investigating complaints.
 - a. Any Department Head or Supervisor who is made aware of a complaint of unlawful harassment, including sexual harassment, must immediately report the complaint to the Director of Administration and Management. In the absence of the Director of Administration and Management, his/her designee shall conduct the investigations.
 - b. The Director of Administration and Management and/or his or her designee shall be responsible for thoroughly investigating complaints of unlawful harassment.
2. Sanctions for Engaging in Harassment
 - a. The range of sanctions for ~~employees~~ found to have committed harassment shall include termination from employment and prosecution under State or Federal Law.

V. TRAINING FOR PREVENTION

A. Prevention of Unlawful Harassment


1. All personnel, including any newly hired employee, shall be notified of the existence of this policy and will have access to this policy via the Power DMS computer software system.
2. All personnel shall receive training regarding sexual-unlawful harassment, including sexual harassment, in accordance with Connecticut Public Act 19-16.
 - a. Training shall include information regarding federal and state statutory provisions pertaining to sexual-unlawful harassment and remedies available to victims of sexual harassment.
 - b. Training on other forms of unlawful harassment may also be included as necessary.

~~e.b.~~ The above training shall be provided as part of the employees' initial training and at least once every three (3) years thereafter.

1) Supplemental training shall include updates on laws pertaining to the illegality of harassment and sexual harassment and the remedies available to victims. ~~of sexual harassment.~~

~~2) Training on other forms of unlawful harassment may also be included as necessary.~~

DRAFT

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 701.65⁶⁵
	Subject/Title: Towing of Motor Vehicles	Issue Date: January 31, 2023 December 17, 2019	
		Effective Date: February 15, 2023 January 15, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Policies and Procedures #: 702 Connecticut General Statutes § 14-227a and 14-227h		Rescinds: 701.54⁶⁵	
		Amends: N/A	

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding towing motor vehicles, and for selecting among and supervising towing firms contracted with the Town of East Haven.

II. POLICY

- A. It is the policy of the East Haven Police Department that the East Haven Public Safety Communications Center (EHPSCC) personnel shall assign towing services to tow companies in a rotation established by the Chief of Police.
- B. It is the policy of the East Haven Police Department that personnel shall uphold operators' and owners' Constitutional rights in every instance in which they direct a vehicle to be towed. The race, ethnicity, national origin, gender, sexual preference of the owner and/or operator may never be used as the basis for towing or otherwise removing a vehicle.

III. PROCEDURES

- A. EHPSCC personnel shall assign tow requests only to the tow companies that are approved by the Chief of Police.
- B. EHPSCC personnel shall assign towing service requests to such tow companies in a rotation as established by the Chief of Police at the beginning of each contract year.
1. A call list of approved tow companies shall be kept on file in the EHPSCC.

- C. Tow contractors shall follow all applicable laws and ordinances in the process of removing and storing vehicles.
- D. The call list shall be comprised of no more than four (4) towing companies having the capacity for standard towing.
1. Standard tows are those motor vehicles having a gross motor vehicle weight of less than 10,000 pounds.
- E. The call list shall also be comprised of no more than two (2) towing companies having the capacity for heavy-duty towing.
1. Heavy-duty tows are those motor vehicles having a gross motor vehicle weight in excess of 10,000 pounds.
- F. Selecting Among Tow Contractors.
1. Supervisors may deviate from the rotation schedule in an emergency. ~~They shall document their~~The reasoning for such a deviation ~~shall be documented~~ in the Towing Log in the CAD system.
 - a. The Internal Affairs Officer (IAO) shall audit the towing system annually, but in any event prior to the Chief of Police establishing the yearly call lists, to ensure Department compliance with the relevant procedures, ordinances, contracts and laws.
 - b. The IAO shall complete an annual report to the Chief of Police. Said report is to be provided to the Chief of Police prior to his ~~or~~ her establishing the yearly call lists. The Chief of Police shall take any necessary corrective or other follow-up action indicated in the annual report.
 2. EHPSCC personnel, upon being notified by the officer at the scene, shall inform towing firms of any special conditions they might encounter, e.g. vehicle off road, down an embankment, etc.
 3. When EHPSCC personnel receive a request for a tow, they shall notify the appropriate tow company by the day or night telephone number provided by the tow company.
 - a. A representative of the firm shall confirm that a wrecker operator has been notified and will be on the scene within twenty-five (25) minutes.
 - b. EHPSCC personnel shall maintain a Tow Log that contains the date, case number, license plate number, make, model, and location ~~of each motor vehicle that is towed.~~
 4. In the event the tow company next up in rotation is not available or does not have the capacity for the tow, the next company in rotation with the capacity to ~~make~~conduct the tow shall be called. If the firm has the capability for the tow but is unavailable,

the request shall be considered use of the firm's turn in the rotation and the firm shall be placed at the bottom of the rotation list.

5. Any tow company unavailable for three (3) rotation tow calls within a thirty (30) day time period shall be suspended from the rotation tow list for the next thirty (30) days. Two suspensions within one (1) year shall result in removal of that tow company from the rotation list.
 - a. Supervisors shall notify the Chief of Police in writing of a tow company's second (2nd) unavailability within a thirty (30) day period in the Law Enforcement Administration System (LEAS) Department Review (DR) reporting module.
6. Requests made by an individual driver to have a motor vehicle towed to a particular garage should be honored regardless of which tow company is doing the tow. "Owner's requests" shall be recorded as such in the Tow Log.
 - a. Nothing in this order shall preclude the owner's right to request a tow company not included on the rotation list, including motor club services such as AAA, AARP, etc. if summoning such assistance does not interfere with public safety based upon the officer's determination.
 - 1) This section does not apply to an owner's request in conjunction with the arrest of the owner/operator.
7. All tow companies on the rotation list must provide service to the Department during emergencies, such as snowstorms.
8. Department personnel may stop a tow if the vehicle has not yet been hoisted from the ground.
9. Any vehicle ticketed to be towed for a parking violation, but which has not been hoisted shall be returned to the person in custody of the vehicle, without charge, provided no other circumstances, i.e. a driver's intoxication, prohibit such action.
10. Should a tow company be dispatched on a rotation-system call in which the vehicle is removed before arrival, or if for any other reason the tow is not completed or a service charge not received, it shall be deemed a "dry run", and the firm shall be given the next request on the rotation list.
11. All charges related to the towing of motor vehicles and/or providing road service shall not exceed the maximum towing charges approved by the Commissioner of Motor Vehicles.
12. The Chief of Police may suspend tow companies not adhering to these policies from the rotation list.
 - a. Any officer who observes a violation of these requirements by a tow company must submit a written report to his/her supervisor.

- G. Officers are authorized to ~~remove and/or impound~~ have vehicles towed that are found upon a public street, highway or Town property under the following circumstances:
1. When authorized by state law and/or local ordinance.
 2. When an officer determines the vehicle was stolen or taken without the owner's consent.
 - a. If the vehicle is reported stolen, the officer will determine the reporting agency and whether the vehicle should be held for evidentiary purposes.
 - b. If the stolen vehicle is not held for evidentiary purposes or other reasons, EHPSCC personnel shall ask the reporting agency to notify the owner of the vehicle. If the owner can immediately respond to the scene to take custody of the vehicle, the vehicle will not be towed unless they request it.
 - 1) EHPSCC personnel shall send a locate via COLLECT/NCIC.
 - 2) When the stolen vehicle was initially reported to the Department and was later recovered in East Haven, EHPSCC personnel shall cancel the COLLECT/NCIC message.
 3. When the vehicle is evidence in a crime.
 4. When a vehicle is disabled and obstructs traffic.
 5. When a vehicle is disabled and poses a hazard to traffic and the driver has been arrested, the officer may have the vehicle towed.
 - a. The officer has the discretion to release the vehicle to a responsible person of the owner's choice once ownership has been established, as long as the vehicle is not needed for evidence. The vehicle must be properly registered and insured.
 6. When the driver and any potential alternative drivers of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal.
 7. When a vehicle is determined to be unregistered, the officer may issue a citation.
 - a. He/she will inform the operator that the vehicle cannot be driven upon the highway.
 - b. He/she will have the vehicle towed if it is a hazard or cannot be removed from the roadway.
 8. When a vehicle is found being driven upon the street and is not in lawful condition to be driven.
 9. When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons.

10. When, in the judgment of the officer, it is necessary to remove the vehicle to protect it from damage and/or to safeguard property contained in the vehicle.
11. When an officer determines the vehicle to be abandoned and has tagged the vehicle with a printed twenty-four (24) hour advance notice of the intent to tow, and the vehicle is present after the twenty-four (24) hour notice expired.
12. A vehicle may be towed from private property if it is evidence in a crime.
13. When an officer makes an arrest for operating under the influence in violation of Connecticut General Statutes § 14-227a, he/she shall tow the vehicle in accordance with Connecticut General Statutes § 14-227h.

H. When an officer determines a vehicle has to be towed, a State of Connecticut Notice of Motor Vehicle Tow Form (H-114) shall be completed.

1. The completed State of Connecticut Notice of Motor Vehicle Tow Form shall be submitted to the Records Division by the end of the officer's tour of duty, absent an exigent circumstance that prevents the submission of said form.
2. All State of Connecticut Notice of Motor Vehicle Tow Forms that are submitted to the Records Division shall be maintained in accordance with the Connecticut State Library procedures as authorized by Connecticut General Statutes § 11-8 and 11-8a.

H.I. Inventorying Towed / Impounded Vehicles

1. An inventory shall be conducted under the procedures set forth in Policies and Procedures # 702 - Motor Vehicle Inventory.