

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 416.6
	Subject/Title: Domestic Violence Involving Department Personnel		Issue Date: January 29, 2019
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: February 12, 2019
	References/Attachments: Policies and Procedures #: 415, 441 18 U.S.C. 922(g) – Firearms Possession Prohibition		Review Date: Annually
		Rescinds: 416.5	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 regarding domestic violence incidents involving Department personnel as defendants.

II. POLICY

- A. It is the policy of the East Haven Police Department (EHPD) that responses to domestic violence complaints involving sworn and non-sworn personnel will be no different from how we treat any other domestic violence situation, except that immediate notification must be made to Department supervisors of the situation.
- B. The Department encourages personnel to seek appropriate counseling in such matters.

III. DEFINITIONS

- A. **Advocacy:** Refers to collaboratively working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach. Both in person or phone advocacy and support are provided by the program's qualified staff and volunteers to family violence clients.
- B. **Child and Family Advocate:** A person who is employed by and under the control of a direct service supervisor of a domestic violence agency whose primary role is to provide services, support and advocacy services to sheltered and non-sheltered child, adolescent and teen victims of family violence and their families.

- C. Dominant Aggressor: The person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime.
- D. Family or household member: Any of the following persons regardless of the age of such person.
 - 1. Spouses or former spouses.
 - 2. Parents or their children.
 - 3. Persons related by blood or marriage.
 - 4. Persons presently residing together or who have resided together, i.e. roommates. However, this does not apply to persons who are attending an institution of higher education and presently residing together in on-campus housing, provided such persons are not in a dating relationship, (Connecticut General Statute §46b-38a(j) as amended by PA 18-5).
 - 5. Persons who have a child in common regardless of whether they have been married or have lived together at any time.
 - 6. Persons in, or have recently been, in a dating relationship – Connecticut General Statute (CGS) § 46b-38a(2).
- E. Domestic Violence: An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical injury, bodily injury or assault, including, but not limited to stalking or a pattern of threatening, between family or household members. The term “domestic violence” and “family violence” are synonymous and shall be deemed to mean the same thing when the terms are referenced in any of the Department’s policies and procedures and/or Connecticut General Statutes.
 - 1. Verbal abuse or argument does not constitute domestic violence unless there is present danger and the likelihood that physical violence will occur in accordance with CGS § 46b-38a(1).
 - 2. A domestic violence crime refers to a crime as defined in CGS § 53a-24, other than a delinquent act as defined in CGS § 46b-120, which, in addition to its other elements, contains an element thereof an act of domestic violence to a family or household member. A domestic violence crime does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse in accordance with CGS § 46b-38a(3).
- F. Family Violence Victim Advocate - FVVA: A person who is employed by and under the control of a direct service supervisor of a domestic violence agency; who has undergone a minimum of twenty (20) hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence; who is certified as a counselor by the domestic violence agency that provided

such training; and whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

- G. Possess: To have physical possession or otherwise to exercise dominion or control over tangible property (CGS § 53a-3(2)).
- H. Safety Plan: A plan developed between an advocate/counselor or a police officer and a victim that contains specific activities for a victim to be safe from an offender. Safety planning is an essential step to be completed with all survivors of domestic violence. It allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser. Appropriate Safety Planning is also important for child survivors/witnesses of domestic violence.
1. A Short-Term Safety Plan is an immediate plan developed at the time of the report. A responding police officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to the following.
 - a. Ensuring that the victim and any children have the ability to call 9-1-1.
 - b. Ensuring that the victim can get to a safe location.
 - c. Calling a friend, family member or advocate for support.
 - d. Going to a safe place for the night.
 - e. Creating a plan as to what to do next.
 2. A Long-Term Safety Plan is a plan developed with an advocate which allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser.
- I. Self-Defense: The State of Connecticut recognizes the use of physical force upon another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances. CGS § 53a-19 is applicable in the context of domestic violence crime and addresses such circumstances.
1. This statute provides in part that a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he/she reasonably believes to be the imminent use of physical force, and he/she may use such degree of force which he/she reasonably believes to be necessary for such purpose.
 2. There are, of course, exceptions to the use of such physical force in defense of a person. For example, “a person is not justified in using physical force when he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling . . .”

- a. Essentially, the statute requires that, before a person uses physical force in self-defense or to defend a third person, he or she must have two "reasonable beliefs."
 - 1) The first is a reasonable belief that physical force is being used or about to be used upon themselves or another.
 - 2) The second is a reasonable belief that the degree of force they are using to defend themselves is necessary for that purpose.

- J. Trauma Informed Care: Pursuant to CGS § 46b-38b(d), police officers and domestic violence intervention unit counselors must inform domestic violence victims of services available, including providing the victims with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained to provide trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on a person. The Act adds that the services be delivered by a regional family violence organization that employs or provides referrals to counselors who:
 1. Make available to domestic violence victims resources on trauma exposure and its impact on treatment.
 2. Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma.
 3. Emphasize continuity of care and collaboration among organizations that provide services to children.
 4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.

- K. ORDERS OF PROTECTION (OOP)
 1. Conditions of Release Order – A conditions of release order is an order issued for family violence and should be set by Law Enforcement or Bail Commissioner upon release from custody, and remains in effect until the arrested person has been presented before the Superior Court [CGS § 54-63c(b)]. For Law Enforcement specifically, in addition to completing the JD-CR-146, the on-duty supervisor shall ensure that the conditions and restrictions are entered into COLLECT and NCIC as a File 20 with restrictions.
 2. Ex-Parte Restraining Order – An ex-parte restraining order is an order issued by the family court when someone has completed the restraining order application. The judge has reviewed the application and affidavit, and issues a temporary ex parte restraining order. A hearing date is scheduled and the respondent must be notified. Generally speaking, this order is good for fourteen (14) days or until the date of the hearing (hearings can be scheduled before the fourteen (14) day time limit).
 3. Restraining Order - A restraining order is issued by a judge of the civil court against a person who is a family or household member, usually after a hearing, but the court may issue the order immediately upon application by the victim as an “ex parte” order to remain in effect until the hearing. In the restraining order, the judge can order the

abuser not to hurt or harass the victim. The judge may also order the abuser to move out of the home and order the victim to have temporary custody of the children.

4. Protective Order - A protective order is issued by a criminal court judge and is directed against a defendant who has been arrested for a family violence crime or whenever a protective order is an appropriate remedy in a criminal case.
 - a. In a family violence case, the family violence intervention unit makes a recommendation to the prosecutor who then asks the judge to issue the order.
 - b. The defendant or the attorney representing the defendant can argue against the order being issued. The victim or a family violence victim advocate may also address the court regarding whether the order should be issued.
 - c. The judge will make the final decision after hearing from the parties involved. If the order is issued, the order will be made a condition of the defendant's release.
 - d. Pursuant to CGS § 53a-223, no person who is listed as a protected person in any order of protection may be liable for:
 - 1) Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or
 - 2) Conspiracy to violate such order
5. Standing Criminal Protective Order – A standing criminal protective order is an order of protection issued by a criminal court judge at the time of an offender’s sentencing. These orders can remain in effect for a significant duration of time – previously known as a Standing Criminal Restraining Order prior to October 1, 2010 with no expiration date.
 - a. This order type is generally issued when it is a more severe criminal case.
 - b. A person is guilty of criminal violation of a standing criminal protective order when an order issued pursuant to subsection (a) of section 53a-40e has been issued against such person, and such person violates such order.
6. Foreign Order of Protection – A foreign order of protection means any protection order, as defined in 18 USC § 2266, a restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.
7. Civil Protection Order – A civil protection order means any protection issued by a civil court to protect an applicant who has been the victim of stalking, sexual assault and/or sexual abuse that is not related to family or domestic violence.

IV. PROCEDURES

- A. Officers shall respond to and investigate domestic violence complaints involving a member of the Department in accordance with Policies and Procedures # 415 – Domestic Violence.

- B. If an officer from another police agency is involved in a domestic violence incident that occurred within the Town of East Haven and probable cause exists for the officer's arrest, the officer shall be arrested. This investigation shall be done by an on-duty supervisor.
 - 1. The shift commander shall notify the officer's agency as soon as possible, but no later than by the end of the supervisor's shift.

- C. If any member of the Department is involved in a domestic violence incident that occurred within the Town of East Haven and probable cause exists for the member's arrest, the arrest shall be made.
 - 1. The shift commander shall notify the following personnel.
 - a. The Chief of Police.
 - b. The Deputy Chief of Police.
 - c. The Officer's Division Head.
 - d. The Internal Affairs Officer.
 - 2. The shift commander or patrol supervisor shall respond to the scene of any domestic violence incident involving any member of the Department that occurs within the Town of East Haven.
 - a. The domestic violence incident will be investigated by a supervisor, preferably at least one (1) rank higher than the officer involved in the incident.
 - 3. An internal affairs investigation will be conducted.
 - 4. If a court order (i.e., Protective or Civil Restraining Order) is issued against the member of the Department, the following will be done accordingly:
 - a. If applicable, the employee shall surrender all Department-issued firearms and ammunition to the Chief of Police or his/her designee.
 - b. The employee shall be prohibited from carrying a firearm while the Court Order is in effect.
 - 5. Further, in accordance with the Connecticut General Statutes, the affected personnel will do the following.
 - a. Notify the Chief of Police or his/her designee of such arrest and/or conviction, consistent with Department requirements for the reporting of any conviction.
 - b. Surrender all other firearm(s) and/or ammunition, or electronic defense weapon(s) to the Public Safety Commissioner (DESPP), or a federally licensed firearms dealer, as required by CGS § 29-36k, and provide the Chief of Police or his/her designee with the proof of this requirement.
 - c. If the member of the Department possesses a state pistol permit, a pistol or revolver eligibility certificate, a long gun eligibility certificate, or an ammunition permit, he/she will surrender the permit to the State of Connecticut Department of

Emergency Services and Public Protection, Division of State Police, within the guidelines of the court order. (CGS § 29-32, CGS § 29-36i, CGS § 29-37s, and CGS § 29-38p).

- d. If the member of the Department possesses an issued pistol permit from his/her agency, he/she will surrender the permit to the Chief of Police within the guidelines of the court order.
6. The Chief of Police or his/her designee may do the following:
 - a. Suspend the employee.
 - b. Assign the employee to administrative duty.
 - c. Initiate an administrative investigation.
 - d. Pursuant to CGS § 46b-38b(d) ensure that the investigating agency:
 - 1) Assist the victim with obtaining medical treatment if such treatment is required.
 - 2) Notify the victim of the right to file an affidavit for a warrant for arrest.
 - 3) Inform the victim of services available and referring the victim to the Office of Victim Services or trauma informed care community provider in the region.
 - 4) Provide assistance in accordance with the uniform protocols for treating victims established in Policies and Procedures # 415 – Domestic Violence.
 - 5) Remain at the scene for a reasonable time until, in the judgment of the officer, the likelihood of further imminent violence has been eliminated.
 - 6) The investigator shall help the victim to develop a short-term safety plan.
 7. Any personnel of the Department convicted of a crime of domestic violence will be subject to discipline in accordance with the Department's policies and procedures. Such discipline may include termination.
 8. Under 18 U.S.C. 922(g), a person convicted of a misdemeanor crime of domestic violence is prohibited from possessing a firearm or ammunition. Consistent with Federal law, Department personnel convicted of a crime involving family or domestic violence will be terminated or allowed to resign.