


<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 409.<u>65</u>
	Subject/Title: Motor Vehicle Stops		Issue Date: September 29, 2020
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: October 1, 2020
	References/Attachments: Policies and Procedures #: 401, 702 <u>Connecticut General Statutes § 54-33b</u> Tom R. Tyler and Jeffery Fagan, Urban Institute, 2012		Review Date: Annually
		Rescinds: 409.<u>54</u>	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 making stops of motor vehicles.

II. POLICY

- A. It is the policy of the East Haven Police Department for officers to have lawful reasons for making motor vehicle stops. Officers are expected to perform any stop of a person or persons only when they have at least a reasonable suspicion for doing so.
- B. It is the policy of the East Haven Police Department to prohibit all police practices involving racial profiling or other bias-based actions. Race, age, gender, and any other type of profiling as justifications for any police officer to conduct any type of stop or detention of a person are prohibited. Violation of this directive shall result in discipline, up to and including dismissal. In addition, violators could be held accountable for civil rights violations in State and/or Federal court.
- C. It is the policy of the Department for officers to conduct motor vehicle stops effectively, justly and safely. Officers shall conduct themselves always as courteously as circumstances allow.
- D. It is the policy of the Department that when making a motor vehicle stop, officers are to identify themselves to the driver, explain why they have made the stop and then ask for

identification and license information, unless exigent circumstances make it dangerous to do so.

1. Unless probable cause exists to believe that a felony or misdemeanor offense has been committed or the operator failed to produce a valid operator's license, officers shall not ask an operator of a motor vehicle to provide any documentation or identification other than his/her operator's license, motor vehicle registration, insurance identity card, other documentation or identification directly related to the stop when a said motor vehicle is stopped solely for a motor vehicle violation.

III. BACKGROUND

- A. Research is very clear in suggesting that the primary issue shaping people's views about the police is whether they believe that the police are exercising their authority through fair procedures—that is, on procedural justice.
- B. Procedural justice as understood in American communities is defined in terms of four issues. First, people want to have an opportunity to explain their situation or tell their side of the story in a conflict.
- C. Second, people react to evidence that the authorities with whom they are dealing are unbiased. This involves making decisions based upon consistently applied legal principles and the facts of the case, not officers' personal opinions and biases. Even if officers are acting without bias, they may be perceived as making decisions unfairly by those they are dealing with, and it is important for officers to provide evidence leading the people they are dealing with to understand the basis of their actions. For this reason, transparency or openness about how decisions are being made facilitates the belief that decision-making procedures are neutral when they reveal that decisions are being made in rule-based and unbiased ways. In the case of motor vehicle stops, this involves explaining why people are being stopped: that is, what police policies and goals are involved.
- D. Third, people are sensitive to whether they are treated with dignity and politeness, and to whether their rights as citizens are respected. The issue of interpersonal treatment consistently emerges as a key factor in reactions to dealings with legal authorities. People believe that they are entitled to treatment with respect and react very negatively to dismissive or demeaning interpersonal treatment.
- E. Finally, people focus on cues that communicate information about the intentions and character of the legal authorities with whom they are dealing ("their trustworthiness"). People react favorably (when) the authorities with whom they are interacting are benevolent and caring, and are sincerely trying to do what is best for the people with whom they are dealing. Authorities communicate this type of concern when they listen to people's accounts and explain their actions in ways that show an awareness of and sensitivity to people's needs and concerns.
- F. Studies show that when the public believes that the police exercise their authority in procedurally fair ways, they accept the legitimacy of the police and defer to police authority, both in particular situations and through general increased compliance with the

law and cooperation with the police. And, of particular importance is that the use of fair procedures encourages voluntary acceptance of police and legal authority.¹

IV. DEFINITIONS

- A. **Emergency Lights:** One or more visual warning lights fitted to a police vehicle for use when an officer wishes to convey to other road users his/her urgency, to provide additional warning of a hazard when stationary, or as a means of signaling another driver to stop for interaction with the officer.
- B. **High-Risk Stop:** Refers to any motor vehicle stop that poses a known, significant risk to the officers when encountering the occupants of a motor vehicle.
- C. **Probable Cause:** The required level of knowledge to make a lawful arrest. This has been defined by courts as “reasonably trustworthy knowledge, based on articulable facts and circumstances, that would lead a reasonable person to believe that a crime has been, is being, or is about to be committed, and that the person to be arrested has committed, is committing, or is about to commit that crime.” Probable cause is determined by the totality of the circumstances and may be established by the collective knowledge of all law enforcement personnel involved.
- D. **Reasonable Suspicion:** Refers to an officer’s belief, based on specific and articulable facts, and the rational inferences drawn from those facts, that an individual has committed, is committing, or is about to commit a criminal offense. Reasonable suspicion may be based on direct observations or a combination of factors, including, but not limited to, the individual’s prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning, admissions or confessions, the nature of the area, and reliable hearsay.
- E. **Siren:** A signal device capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Connecticut Department of Motor Vehicles.

V. GENERAL GUIDELINES AND CONSIDERATIONS

- A. **Traffic Stops**
 - 1. Traffic enforcement operations pose a number of challenges to officers.
 - a. Determining the appropriate officer safety precautions that should be taken in circumstances where little, if anything, is known about the subjects prior to the stop.
 - b. Determining the appropriate enforcement response necessary to modify driving behavior.
 - c. Although stopping motorists for traffic violations is considered a primary function of the police, it is one that has been demonstrated to be potentially dangerous for both officers and motorists. This is why it is always paramount for officers to exercise good defensive tactics and always remain alert for the unexpected.

Officers should never let their guard down and at the same time engage the motorist courteously.

2. The officer is responsible for maintaining control of the situation and to ensure that neither the officer nor the person being stopped is at risk.
 - a. Do not assume the motorist knows that he/she has committed a violation. Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, and before asking for license and registration, the officer will explain to the citizen in a professional, courteous manner why he/she was stopped or detained.
 - b. The officer may de-escalate a situation by remaining calm, introducing himself/herself by rank and name and explaining to the motorist why he/she stopped the motorist.
 - c. Research indicates that the typical citizen complaints that arise from vehicle stops concern how the subject perceives himself/herself as having been treated by the officer. An officer should never get baited into a debate or showing any anger, rudeness, or discourtesy.
- B. Officers are expected to employ their training and best judgment to conduct stops safely. At all times officers shall protect to the extent possible their safety and the safety of all other persons potentially at risk.

VI. PROCEDURES FOR MAKING MOTOR VEHICLE STOPS

- A. General Precautionary Measures: If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously or fatally injured making motor vehicle stops. Traffic violators, suspicious vehicles, and criminals present unknown risk to the officer making the stop.
- B. Initiating the Motor Vehicle Stop: Prior to stopping the vehicle or immediately upon stopping a motor vehicle, the officer is expected to notify East Haven Public Safety Communication Center (EHPSCC) personnel of the following.
 1. Prior to initiating the stop or prior to engaging the motorist, the officer should advise EHPSCC personnel of his/her intent to make a motor vehicle stop.
 2. Provide the location of the anticipated stop.
 3. Provide the registration number and state of the vehicle.
 4. Prior to or upon making the stop, officers shall notify EHPSCC personnel about known information; including description of the vehicle, the number of occupants of the vehicle, the perceived race or ethnicity of the occupants, and a description of the basis for the stop.

- C. Selecting the Location for the Stop: As part of making the decision to make a motor vehicle stop, the officer should always try and position the stop in a way that the following factors are taken into consideration:
1. Lighting: In low light conditions or at night, the officer should try to make the stop in a well-lit area, if possible, to allow the officer to adequately see his/her surroundings and to be seen by other passing vehicles.
 2. Traffic Flow: If the officer is overly concerned about or distracted for his/her own safety in terms of passing traffic, or if the stop is going to interfere with the free flow of traffic, the officer should try to pick a location where he/she is removed from those dangers.
 3. Severity of the Violation: The driving behavior of the motorist might be an indication of what type of reception an officer might be met with when first being confronted (i.e., if the driver was driving in an aggressive manner, or there is evidence of road rage).
 4. Weather Conditions: Apart from sight restrictions on the part of passing motorists, the officer should also take into consideration stopping distances of approaching motorists, width of the road that might be compromised by encroaching snow banks or other hazards.
 5. Characteristics of the Roadway: This becomes an issue with respect to conducting a motor vehicle stop on a sharp curve or just beyond the crest of a hill. Whenever possible direct the motorist to a safer location along the road prior to beginning the interaction.
- D. Mechanics of Making the Stop: When the officer is ready to conduct a motor vehicle stop, he/she should employ the following cautionary measures.
1. The officer may elect to follow the vehicle a short distance prior to initiating a stop to make additional observations of the operation of the vehicle or to ensure a safe location for the stop.
 2. The officer should then activate the police vehicle's emergency lights and siren to signal for the operator of the vehicle to pull to the right side of the road, preferably out of the traffic lane of travel.
 3. If the operator does not stop in a safe location, the officer should instruct the motorist where to situate the vehicle before engaging in a conversation with the motorist by way of the police vehicle's Public Address (PA) system.
 4. Park the patrol vehicle to the rear of the stopped vehicle with emergency lights on to warn traffic and to assist any backup officers responding to the scene. The police vehicle should ideally be situated as follows:
 - a. One-half car length behind the violator's vehicle.

- b. At a slight angle to the stopped vehicle, with the front end of the police vehicle offset to the stopped vehicle further out in the traffic lane to create a safe passage lane for the officer.
 - c. Use of takedown lights and/or spotlights should be used when they would not pose a hazard to oncoming traffic, and to enhance occupant and officer safety.
 - d. Officers must ensure that video and audio recording equipment is activated in accordance with Policies and Procedures # 401 – AVL and Officer Video Camera Use.
- E. Approaching the Vehicle: The officer should approach the vehicle with caution in accordance with their training, checking the trunk and rear seat, and watching the occupants' movement inside the vehicle.
- 1. When there is a two-person patrol car involved in the stop, or a second police vehicle involved, it is standard practice for the second officer to take up a tactical position on the passenger side of the stopped vehicle. The second officer should not remain in his/her vehicle while another officer is engaged with the operator and/or occupants of a stopped vehicle.
 - 2. As a defensive measure, a single officer engaged in a motor vehicle stop may elect to approach the vehicle on the passenger side of the vehicle at the officer's discretion.
- F. Engaging with the Motorist/Violator: Officers are expected to conduct themselves in a professional manner at all times, keeping in mind the use of proper language, bearing, and emotional stability. Officers should:
- 1. Be certain of their observations of the alleged violation.
 - 2. Have the necessary forms and equipment to deal with the situation.
 - 3. Maintain tactical awareness, and be observant for signs of impairment, criminal activity, or criminal intent.
 - 4. Initiate the conversation with the motorist/violator with a friendly greeting using an appropriate title in a courteous manner. Officers shall introduce themselves by name and rank and identify the agency they represent, unless exigent circumstances make it dangerous to do so.
 - 5. Request the required documents and identification.
 - 6. When obtaining documents, do not accept wallets, purses, or folders. Have the motorist remove the document from the container before accepting it.
 - 7. Keep in mind that some violators encountered will show signs of emotional distress. Officers should deal with these individuals in a calm, courteous manner to help reduce that anxiety.

8. Officers are authorized to order occupants out of the vehicle for precautionary reasons. If occupants are removed from the vehicle, they should be directed to a location relatively safe from traffic. Officers and violators should not stand between the stopped and police vehicles.
9. If the operator and/or the occupants get out of the vehicle on their own while the officer is otherwise engaged or in the officer's estimation in a manner that creates a potential safety hazard, the officer should politely instruct the person(s) to return to the vehicle. When appropriate, the officer should explain the reasoning behind the instruction, namely for the safety of the individual(s).
10. Officers should not show the motorist the speed reading on the radar or laser device.
11. Officers should briefly listen to the violator's explanation. However, officers should not become engaged in a debate over the merits of the stop. Motorists who wish to contest a citation should be courteously advised that it is unsafe to do so at the roadside and to plead not guilty on the infraction to obtain a court date.
12. If taking enforcement action, officers should briefly explain to the violator the type of enforcement action that was taken.
 - a. Written warnings carry no fine.
 - b. Infractions: The violator may pay the fine by mail or request a hearing.
 - 1) The options are printed on the back of the citation.
 - c. Summons: Mandatory court appearance. Violator will be given a court date.
 - d. Towing information if applicable.
 - 1) An H-114 Notice of Motor Vehicle Tow Form will be provided to the operator/owner of the vehicle.
13. No officer may ask an operator of a motor vehicle to conduct a search of the motor vehicle or the contents of the motor vehicle that is stopped solely for a motor vehicle violation.
 - a. Any search by an officer of a motor vehicle or the contents of the motor vehicle during a stop for a motor vehicle violation shall be:
 - 1) Based on probable cause; or
 - 2) After having received the unsolicited consent to perform such search from the operator of the motor vehicle in written form or recorded by a body-worn camera (BWC) or a mobile video recorder (MVR).
 - b. This section does not apply if an officer is authorized to conduct a motor vehicle inventory in accordance with Policies and Procedures # 702 – Motor Vehicle Inventory.

~~14. Absent the existence of probable cause, receiving the consent of a person to conduct a search of him/her does not constitute justification for the officer to conduct such search.~~

14. An officer may ask a person to conduct a search of their person, provided such officer has reasonable and articulable suspicion that a weapon, contraband or other evidence of a crime is contained upon the person, or that the search is reasonably necessary to further an ongoing law enforcement investigation.

a. An officer who solicits consent to search a person shall, whether or not the consent is granted, complete an incident report documenting the reasonable and articulable suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation.

15. Upon completion of the enforcement action, a racial profiling card shall be provided to the operator by the officer as mandated by the State of Connecticut. Officers must also ensure that the motorist safely re-enters the flow of traffic prior to notifying EHPSCC personnel of the completion of the stop.

16. Officers shall document all stops that lead to searches and/or seizures in an incident report that records the following.

a. The officer's name and badge number.

b. Date, time, and location of the stop.

c. Duration of the stop.

d. The apparent race, color or ethnicity of the individual, based on the officer's reasonable observation and perception.

e. The suspected violation that led to the stop.

f. Whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence.

g. The enforcement action taken with regard to the violation (including a warning, a citation, an arrest, or a use of force).

h. Whether any search was conducted, the kind of search conducted, the basis for the search, whether the search was consensual or non-consensual, and the outcome of the search.

G. Non-Uniformed Officers Involved in Motor Vehicle Stops: Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren should not normally make motor vehicle stops for traffic violations.

1. Non-uniformed officers shall request a marked patrol unit to make the stop and may, depending upon the urgency of the situation, activate emergency lights and siren to make a traffic stop.
 - a. If issued a body worn camera, non-uniformed officers should activate their assigned body worn camera if conducting a traffic stop prior to a marked unit arriving.
 2. Non-uniformed officer vehicles not equipped with emergency lights or siren should not make motor vehicle stops unless there is imminent danger of loss of life should they fail to act. In other, less urgent cases that demand attention, non-uniformed officers shall request a marked patrol vehicle to perform the stop and assist in directing the marked unit to the subject vehicle's location.
- H. Stopping Oversize and Overweight Vehicles: In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be observed.
1. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight, and allow the operator sufficient time and distance to make the stop.
 2. Approach the cab from the rear, using the driver's outside mirror to observe the driver and the activity in the cab.
 3. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask him/her to exit the vehicle, if and when necessary.

VII. HIGH RISK STOPS - FELONY

A. General Precautionary Measures

2. During high risk felony stops, officers must use extreme caution, employing tactics to minimize the exposure of officers, offenders and the public to danger and undue risk.

B. Preparing for the Stop

1. At no time will an officer conduct a suspected felony/high risk motor vehicle stop without first pre-warning EHPSCC personnel of his/her intention to make the stop. In addition to the normal protocols of furnishing the location, description of the vehicle, registration number and state, and description of the occupants, where practicable the officer will take the following steps.
 - a. Provide whatever information may be at the officer's disposal, clearly indicating that the officer believes the stop may constitute a higher than normal risk.
 - b. Request that backup officers be deployed.
 - c. If possible, delay initiating the motor vehicle stop until backup units can get into position.

2. If practical, select a site that is going to give the officer the greatest amount of protection.

C. Conducting the Stop

1. Taking into consideration all of the precautionary measures normally exercised anytime an officer is executing a motor vehicle stop, he/she should attempt to employ those measures if at all possible.
 - a. Positioning the Police Vehicle: When positioning the vehicle behind the vehicle being stopped, the officer should position his/ her vehicle in such a fashion that it provides the officer the greatest degree of protection (usually angling the police vehicle so that the engine portion of the vehicle is between the officer and the occupants of the suspect vehicle. The officer should also be mindful of:
 - 1) Persons, homes, businesses, and traffic down range of the suspect vehicle.
 - 2) The position of the backup officers to avoid initiating a cross fire in the event that the use of firearms becomes necessary.
2. Staying with the Police Vehicle: Unless there is some compelling reason, the officer should remain with his/her police vehicle, using it as cover. Prior to engaging with the occupants of the vehicle, the officer who will be directing the occupants on what to do should first be sure that all the necessary support is in place.
3. Giving Orders to the Vehicle's Occupants: The officer issuing the directions to the occupants of the suspect vehicle should use the police vehicle's PA system. This officer should clearly declare himself/herself as the contact while an assisting officer is the cover officer. The contact officer should provide the following set of orders in a clear and distinct fashion, ensuring that the occupants comply with the order before giving another order.
 - a. Order the operator to shut off the vehicle.
 - b. Order the operator to turn on the interior lights of the vehicle.
 - c. Order the operator to roll down all windows.
 - d. Order the operator to place the keys of the vehicle on the roof of the vehicle.
 - e. Order the occupants of the vehicle to place their hands in plain view.
 - f. Order each occupant, one at a time, to slowly exit the vehicle with his/her hands in the air.
 - g. Order the occupants exiting the vehicle to slowly make a complete turn with their hands in the air and make a cursory check for weapons.

- h. If a weapon is spotted, tell the backup officer and the offender that it has been. Do not permit the offender to touch the weapon or make a move toward the weapon.
 - i. Order the offender to walk backwards toward the officers and then to lie down on the ground with his/her feet and arms extended away from his/her body.
 - j. Once all occupants have been safely removed from the suspect vehicle, contact/cover tactics should be followed and the contact officer should cautiously move up to the vehicle to check for anyone who may be concealing himself/herself in the vehicle.
 - k. Once the officer considers the vehicle safe, the backup officer should then take a cover position on the suspects who are lying in a prone position on the ground.
 - l. Once all officers are in position to adequately cover the suspects, an officer should proceed to handcuff each of the suspects.
 - m. Once all suspects are properly secured, an officer should systematically search each suspect for weapons prior to assisting occupants off the ground.
4. Completion of an Incident Report: Whenever an officer is forced to take the actions described for a felony/high risk stop, the officer shall complete an Incident Report and Officer Use of Force Report, describing:
- a. The circumstances that led up to the motor vehicles stop.
 - b. All of the actions that proceeded from the stop.
 - c. The final disposition of the incident; which includes the names of all of the parties involved, including witnesses, other involved parties, and the names of the officers who assisted.
- D. Notification of and Response by a Supervisor
1. Whenever it becomes apparent that an officer may be engaging in a felony or high-risk motor vehicle stop, EHPSCC personnel shall notify a supervisor. The supervisor shall acknowledge to Dispatch that he/she is aware of the situation and is actively monitoring it. The supervisor shall take the following additional steps.
 - c. The supervisor shall go to the scene of the felony or high-risk motor vehicle stop.
 - b. Based on the information being relayed, the designated supervisor shall direct assets as may be deemed to be appropriate.
- E. All officers must be cognizant that during these situations, communication particularly from the officer(s) engaged in these kinds of situations is essential. Whenever possible, any excess communication on the radio channel should be kept to a minimum.

ⁱ Excerpted from Tom R. Tyler and Jeffery Fagan, Urban Institute, 2012

DRAFT

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 426.<u>76</u>
	Subject/Title: Traffic Enforcement	Issue Date: September 29, 2020	
		Effective Date: October 1, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Policies and Procedures #: 304, 409, 449 Connecticut General Statutes § 14-227a, and 14-217, 54-33b United States Department of State Office of Foreign Missions		Rescinds: 426.<u>65</u>	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 traffic enforcement.

II. POLICY

- A. The East Haven Police Department shall enforce traffic laws and regulations in a fair and equitable manner in an effort to increase voluntary compliance with motor vehicle laws, deter dangerous motor vehicle operation and promote roadway safety.

III. DEFINITIONS

- A. Arrest: The circumstance when a person has been placed under formal arrest, or there is a restraint on a person's freedom of movement of the degree associated with a formal arrest and a reasonable person, in view of all the circumstances, would have believed that he or she was not free to leave.
- B. Infraction: A violation of the General Connecticut Statute in which the penalty is a monetary fine.
- C. Misdemeanor Summons Complaint: A written order to appear in court to answer for an offense for which a person may be sentenced to a term of imprisonment of not more than one year.

- D. Verbal Warning: A caution by word of mouth issued by an officer for a violation of the Connecticut General Statutes.
- E. Written Warning: A written notice issued by an officer for a violation of the Connecticut General Statutes.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Traffic enforcement involves all police activities related to the observation, detection, and apprehension of traffic law violators. All sworn employees will be observant for traffic violations and will take the appropriate enforcement action when substantial violations are observed. Traffic enforcement activities may be either proactive or reactive as the result of an observed violation, citizen complaint, traffic collision analysis, or selective enforcement measures. Enforcement action can be made through a physical arrest, misdemeanor summons complaint, juvenile summons, infraction ticket, written warning, or verbal warning. Each situation will require that the officer evaluate the violation and determine the most appropriate type of enforcement action. Enforcement will be made in a courteous, civil, and impartial manner.
- B. No officer may ask an operator of a motor vehicle to conduct a search of the motor vehicle or the contents of the motor vehicle that is stopped by an officer solely for a motor vehicle violation.
 - 1. Any search by an officer of a motor vehicle or the contents of the motor vehicle during a stop for a motor vehicle violation shall be:
 - a. Based on probable cause; or
 - b. After having received the unsolicited consent to perform such search from the operator of the motor vehicle in written form or recorded by a body-worn camera (BWC) or a mobile video recorder (MVR).
 - c. This section does not apply if an officer is authorized to conduct a motor vehicle inventory in accordance with Policies and Procedures # 702 – Motor Vehicle Inventory.
- C. Unless probable cause exists to believe that a felony or misdemeanor offense has been committed or the operator failed to produce a valid operator's license, officers shall not ask an operator of a motor vehicle to provide any documentation or identification other than his/her operator's license, motor vehicle registration, insurance identity card, other documentation or identification directly related to the stop when a motor vehicle is stopped solely for a motor vehicle violation.
- D. An officer may ask a person to conduct a search of their person, provided such officer has reasonable and articulable suspicion that a weapon, contraband or other evidence of a crime is contained upon the person, or that the search is reasonably necessary to further an ongoing law enforcement investigation.
 - 1. An officer who solicits consent to search a person shall, whether or not the consent is granted, complete an incident report documenting the reasonable and articulable

suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation.

~~D. Absent the existence of probable cause, receiving the consent of an operator or passenger(s) to conduct a search of their persons does not constitute justification for the officer to conduct such search.~~

V. PROCEDURES

A. Uniform Traffic Law Enforcement

1. All enforcement will be accomplished in a courteous, fair, and impartial manner using one of the following methods.
 - a. Custodial Arrest.
 - b. Verbal Warning.
 - c. Written Warning.
 - d. Infraction.
 - e. Misdemeanor Summons Complaint.
 - f. Juvenile Summons Complaint (when applicable).
 - g. See also Policies & Procedures #409 - Motor Vehicle Stops.
2. Special Traffic Violation Processing
 - a. Out-of-State Traffic Violators
 - 1) Non-residents of Connecticut issued an infraction complaint, who are residents of a state that is part of a reciprocal agreement with Connecticut, shall not be required to post a bond.
 - 2) Non-Residents of Connecticut from non-reciprocal states issued an infraction complaint can be required to post a cash bond or a guaranteed bail bond equivalent to the total of the fine, fees or costs established in the fee schedule.
 - 3) See the Drivers License Compact (DLC) and Non-Resident Violator Compact (NRVC) for information on reciprocal agreements.
 - a) Connecticut is party to both compacts. The American Association of Motor Vehicle Administrators at <http://www.aamva.org/Drivers-License-Compacts/> provides a list of member states for both compacts.
 - b. Non-residents of the Town of East Haven
 - 1) Traffic violations committed by non-residents of the Town shall be handled in a courteous, fair, and impartial manner using at least one of the enforcement methods described in this Directive.
 - c. Juveniles

- 1) When traffic violations are committed by juveniles under the age of sixteen (16), the enforcing officer may temporarily detain the juvenile for the offense and release the juvenile to the custody of a parent/guardian or another proper person.
- 2) If an officer elects to cite a juvenile for a traffic violation, the enforcing officer may issue an Infraction, when applicable, or a Juvenile Summons pursuant to law.
 - a) Refer to the Connecticut Judicial Branch for guidance as to whether the traffic violation shall be handled as an adult and/or juvenile offense.
 - b) The current guide is available on the Connecticut Judicial Branch website: http://jud.ct.gov/external/news/Adult_vs_Juvenile_charges.pdf
- d. Elected Local, State and Federal Officials
 - 1) Traffic violations shall be handled in the same manner as any other motorist as no immunity exists regarding criminal and/or motor vehicle laws.
- e. Foreign Diplomats and Consular Officials
 - 1) The United States Department of State has issued guidelines regarding the police role of matters involving foreign mission personnel and the privileges and immunities to which each is entitled.
 - 2) Identity cards are issued by the U.S. Department of State, U.S. Mission to the United Nations, and the American Institute in Taiwan. An identity card issued by the aforementioned authority contains the bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and the U.S. Department of State seal.
 - 3) While the aforementioned form of identification is generally relied upon, newly arrive members of diplomatic and consular staff may not yet have their U.S. Department of State-issued identity card.
 - 4) In all cases, officers shall verify the immunity status with the U.S. Department of State, or in the case of the UN community, with the U.S. Mission to the United Nations. The contact information for the U.S. Department of State and the U.S. Mission to the United Nations is attached to this Directive.
 - 5) According to the U.S. Department of State, officers may issue a traffic citation or warning to a mission member or dependent who has a valid identification indicating immunity since the issuance of a traffic citation does not constitute an arrest or detention.
 - a) The facts of the case shall be documented in an incident report.

- b) A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible.
- f. Military Personnel
 - 1) Traffic violations shall be handled in the same manner as any other motorist as no immunity exists regarding criminal and motor vehicle laws.
 - 2) When a physical arrest is made, the on-duty supervisor will notify the arrestee's commanding officer. This does not apply to the issuance of a traffic citation.
 - 3) In the case of traffic collision causing injury requiring hospitalization or death to armed forces personnel, the on-duty supervisor shall notify the liaison officer. This case will also apply to civilian employees of the armed forces while acting within the scope or their employment.
 - 4) In any situation where U.S. government equipment is seized, towed or confiscated, the appropriate government agency will be notified. Armed forces personnel, if assigned in this state, may have an out-of- state driver's license or vehicle registration.
- 3. Traffic Citation Maintenance and Accountability
 - a. The Department uses the e-Ticket Software Program, which allows officers to complete citations electronically to which a copy of the citation is printed and provided to the offender.
 - 1) The issuance of e-Tickets is maintained and accounted for electronically in the Law Enforcement Administration System (LEAS).
 - b. Citation booklets, however, will be issued to officers by a supervisor on an as-needed basis.
 - 1) Supervisors shall document the issuance of citation booklets in the citation log, which will be kept in the supply room of the Department.
 - 2) Receiving officers shall complete the appropriate sections of the citation log indicating receipt of citation booklets.
 - c. Officers are accountable for the citation booklets that have been issued to them.
 - 1) If a citation booklet is lost or stolen, the officer shall immediately notify an on-duty supervisor. The officer shall write and submit an incident report explaining the circumstances of the loss or theft.
 - d. The Court Liaison Officer shall ensure an adequate supply of citation booklets are available. Upon requesting and receiving a new supply of citation booklets the Court Liaison Officer shall do the following.
 - 1) Verify the number by physical count and compare that to the invoice.
 - 2) Create a record for each book using the first and last numbers.

- e. Citation booklets will be stored and secured in the supply room of the Department.
4. Voiding Citations
- a. All citations are to be accounted for, and citations can be voided at the officer's discretion prior to the end of the officer's tour of duty.
 - b. Citations that need to be voided after the end of an officer's tour of duty, must be approved by a supervisor and for a justifiable reason such as the citation was issued in error, lack of probable cause, victim of identity theft, computer system failure, etc.
 - c. When voiding a citation, the officer/employee shall document in the LEAS the reason for the void and which supervisor approved the void, if applicable.
 - d. All paper copies of voided citations shall be submitted to the Records Division.
5. Speed Measuring Devices
- a. The speed measuring devices used by the Department shall be in compliance with Connecticut General Statutes. Only Department issued and properly calibrated speed detection systems are authorized for use by the Department.
 - b. Operational Procedures
 - 1) The speed measuring devices have operating manuals that must be followed when operating these devices.
 - c. Proper Care and Maintenance.
 - 1) Each officer is responsible for ensuring that the required components of the speed-measuring device are present, appear to be functional, and are not damaged. If the device needs to be repaired or needs a replacement part, the officer will notify the Head of the Administrative and Training Division.
 - d. Programmed Maintenance.
 - 1) The Administrative and Training Division will ensure that each speed-measuring device is calibrated and tested every six months. The calibration sheets will be kept with each speed-measuring device and in a file maintained by the Administrative and Training Division.
 - e. Operator Training and Certification.
 - 1) Only certified officers will operate the speed measuring devices.

B. DUI Enforcement Program

- 1. Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of the town. A comprehensive countermeasures program, involving education, enforcement, adjudication, treatment and public support, is essential to long-term success in preventing DUI and enforcing the DUI

laws. Patrol officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists. After conducting an initial examination at the scene of the traffic contact, and upon determining the probable cause to arrest is present, the officer will affect a physical arrest of the subject.

- a. Chemical test(s) will be offered in accordance with Connecticut General Statute § 14-227a.

2. Handling DUI Incidents.

a. Detection

- 1) All officers shall attempt to locate and take enforcement action against all persons operating a motor vehicle while under the influence of alcohol or drugs in the Town of East Haven. If elements of the DUI arrest are evident, as established in Connecticut General Statute § 14-227a, officers shall make a custodial arrest of the subject.
- 2) Detection should include the following steps.
 - a) Recognize and identify specific driving behaviors that signify the driver may be intoxicated by alcohol and/or drugs.
 - b) Note any motor vehicle violations.
 - c) Advise the dispatcher of the location and request assistance if necessary.
 - d) Approach the vehicle with caution. Obtain the operator's operator license.
 - e) Recognize; identify specific actions, attitudes and characteristics commonly manifested by impaired drivers during face-to-face contact.
 - f) Request that the subject exit the vehicle and move to safe location to conduct the Standardized Field Sobriety Tests.
 - g) Formulate appropriate arrest decision based on evidence accumulated.

b. Processing at the Department.

- 1) The subject will be interviewed at this point.
- 2) The subject will be asked to submit to a chemical analysis. There will be two tests not less than ten (10) minutes apart. The testing officer may, at his/her discretion, elect to use a breath or urine test.
- 3) When necessary, a Drug Recognition Expert (DRE) may be utilized to detect subjects who operate motor vehicles while under the influence of drugs in accordance with Policies and Procedures # 449 – Drug Recognition Expert.

3. Sobriety Checkpoints

- a. The Department will employ the use of sobriety checkpoints in an effort to apprehend violators and to deter potential violators.
- b. Sobriety checkpoints may be employed on public roadways chosen for traffic volume, past violation arrests, alcohol-related accidents, special events in the area, or other reasons that may from time to time require special enforcement by this department.
- c. Sobriety checkpoints are a special operation and require careful planning, sight selection and manpower availability to ensure a safe and efficient operation that meets the objective of the Department.
- d. Sobriety checkpoints will be manned by a minimum of one supervisor and four patrol officers. All officers will be equipped with high visibility uniforms or vests, as well as clipboards and necessary forms. Officers involved in sobriety checkpoints shall be trained in the detection of operators who are impaired/under the influence of alcohol, drugs, or both, and in the use and interpretation of the Standardized Field Sobriety Tests.
- e. The location of the sobriety checkpoint shall be determined by the volume of traffic, area lighting and suitable facilities to direct the traffic from the traveled portion of the road into a parking area or other suitable spot. In considering a location for a sobriety checkpoint, prior arrest/accident activity may also be considered.
- f. The sobriety checkpoint shall be set up using traffic cones to create a traffic lane, directing vehicles to the point where officers will make contact with the operator of the vehicle. An officer will be assigned to monitor and direct all traffic into the checkpoint traffic lane. At least two officers will be designated as screening officers and will make contact with the operators of the vehicles entering the checkpoint. All vehicles coming into the checkpoint will be screened. The screening officer will explain to the operator the purpose of the checkpoint and will at all times maintain a courteous attitude toward the operator. During the screening, the officer will be alert to the obvious signs of alcohol/drug impairment or influence, such as associated with the drinking of alcoholic beverages. If there are no readily observed signs of impairment/influence, the operator will be allowed to proceed without further delay. If such readily observed signs of impairment/influence are found to exist with the operator, the operator will be detained for further field sobriety testing. If further sobriety testing results in the officer finding probable cause to arrest the operator for driving while under the influence of alcohol and/or drugs, the operator will be arrested and charged with the appropriate statute. The operator will be transported to police headquarters and processed according to department policy.
- g. During the checkpoint activities one officer will be assigned as a “chase officer”, with a marked patrol unit. This officer will be responsible for stopping any vehicle

that fails to stop for the checkpoint. On-duty officers may be called to assist checkpoint officers if the need arises.

- h. It must be remembered that while the courts have allowed the use of sobriety checkpoints as a means of detecting operators who are under the influence by alcohol or drugs, they have also ruled that random stops without probable cause are prohibited. Further testing of individual operators must be done only after a reasonable suspicion of impairment or influence has been established. Arrest following further testing must have the same probable cause standard as any other investigation.
 - i. Supervisor responsibility
 - 1) Supervisors assigned to sobriety checkpoints are responsible to ensure that the checkpoint is set up in a safe location, and that officers present are working in a safe manner to ensure the safety of the officers and motorists entering the checkpoint. The supervisors will keep a count of the total number of vehicles stopped and number of violations detected. This record will become part of the After-action Report that is completed.
- C. Operation with Suspended or Revoked License
- 1. Operators with suspended/revoked licenses should be arrested for that offense and any other violations that were observed or discovered. The vehicle should be towed if no licensed operator is available to operate the motor vehicle.
- D. Moving and Non-Moving Violations
- 1. Officers should use discretion based upon the totality of the circumstances as to the type of enforcement action that should be taken.
 - 2. In cases involving multiple violations, officers may use discretion and may cite as many as is appropriate, but should include the initial offense.
 - 3. In cases involving a violation that poses a direct hazard to the safe and efficient flow of traffic, officers will take the appropriate enforcement action.
- E. Off-Road Vehicles
- 1. Off-road vehicles are not permitted on public roadways unless they are properly registered and insured and in compliance with the Connecticut General Statutes.
 - 2. Equipment Violations
 - a) Officers will consider the nature of the equipment defect and overall condition of the vehicle. Many equipment violations are not known to the operator and will be corrected when brought to the operator's attention.
- F. Commercial Motor Vehicles and Public Carriers
- 1. Public carrier and commercial vehicle violations will be considered in the same manner as private vehicles. Officers should consider the type of vehicle and that the cargo on

board may create a significantly more hazardous situation than a car under similar conditions.

G. Newly Enacted Laws and Regulations

1. Typically, grace periods are established during which warnings are appropriate.
2. After the grace period, officers will use their discretion dependent upon the nature of the violation.

H. Referral of Drivers for Re-examination

1. Routine enforcement, accident reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetency, through physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle.
2. Officers detecting such a person will complete the appropriate forms to request a re-examination by the Commissioner of Motor Vehicles (CGS § 14-217-1).
3. The request for re-examination will be made on form N-105.
4. The physical or mental condition must be described.
5. Form N-105 and a memorandum must be accompanied by copies of all other related reports and submitted to the Records Unit prior to being sent to the Commissioner of Motor Vehicles.

I. Violations Resulting in Traffic Collisions

1. Officers will take appropriate enforcement action when fault has been determined in an accident investigation.

J. Pedestrian and Bicycle Enforcement

1. Officers will take appropriate enforcement action when pedestrian and bicycle violations are observed.

K. Parking Enforcement

1. It shall be the policy of the Department to issue parking tickets in those areas that have been posted or under conditions that constitutes a violation of Town ordinances or State parking regulations. When enforcing parking violations, particularly in residential areas, the officer should first attempt to correct a parking violation. If compliance is not achieved, a parking ticket may be issued.

L. Emergency Medical Escorts of Civilian Vehicles

1. The Department shall not provide escorts to civilian vehicles except in the most extreme exigent situations. In most situations the officer should request emergency medical services respond to the location.

M. Correction of Roadway Hazards.

1. Hazardous roadway conditions include the following:
 - a. Defects in the roadway (potholes, dangerous shoulders, etc.)
 - b. Lack of, or defects in, highway safety features (obscured centerline, etc.), or improper, damaged or visually obstructed traffic control and information sign(s).
 - c. Street Light out.
 - d. Natural or man-made obstructions (fallen rocks, trees, litter, debris, water, and electrical wires).
 - e. Ice or heavy snow accumulation on roadway.
 - f. Vehicles parked or abandoned in or near the roadway.
2. The following procedure shall be utilized in reporting and correcting hazardous roadway conditions.
 - a. When a hazard is located and the officer believes it requires immediate attention, the dispatcher shall be notified of the condition and identify the assistance needed and any specific equipment needed, if known. The officer shall protect bystanders and vehicles from the hazard.
 - b. When a hazard is located and the officer does not believe the threat needs immediate action, the officer shall notify East Haven Public Safety Communication Center (EHPSCC) personnel. EHPSCC personnel will make the appropriate notifications. If the officer can correct the hazard safely, it should be done.

N. Manual Traffic Direction Locations

1. Officers will perform manual direction of traffic as needed. Manual direction will be used in situations where traffic control signals or devices are not present, inadequate due to traffic flow, or malfunctioning.
2. Emergency conditions may dictate the manual control of traffic.
3. Clear hand signals shall be used. Hands and arms will be kept in a position to be clearly visible to motorists and pedestrians. Signals shall be given in such a manner that persons they are signaling to stop recognize the signal before others are allowed to proceed.
 - a. Sworn personnel will take into consideration bad weather, darkness, bright sunlight or flashing cruiser lights that might obscure motorists' vision.
4. Reflective Outerwear: An Occupational Safety and Health Administration (OSHA) approved reflective vest, jacket or uniform shall be worn in situations where officers are required to manually direct vehicular traffic.

- a. Exceptions to this policy would be during an emergency situation when it would not be possible to wear the vest.
5. Temporary Traffic Control Devices: Generally, temporary traffic control devices will be used only at special events at the discretion of the shift supervisor. Portable and temporary devices may be used during emergency situations.
- O. Special Event Traffic Control Plan
1. Special events are any activities that may involve large amounts of vehicular and/or pedestrian traffic. Special events may include parades, fairs, picketing, road maintenance or any large public gathering.
 2. The Head of the Patrol Division shall prepare a plan to provide for traffic direction and control during these events. The plan shall be prepared and should address the following areas.
 - a. The number of officers required to provide adequate traffic and pedestrian and/or crowd control.
 - b. Evaluation of need for on-street parking restrictions.
 - c. The routes and/or detour(s) shall be carefully planned to allow for normal and emergency activities to proceed with minimal disruption.
 3. The media will be supplied with information pertaining to the event at the earliest possible time.
 4. Supervisors shall ensure that officers are provided adequate relief during the course of the event.
- P. Critical Incidents
1. Officers shall control traffic at critical incident scenes under the direction of a supervisor.
 2. Traffic direction and control will be provided at critical scenes to include the following:
 - a. Prohibit unwanted traffic from entering the scene.
 - b. Assist traffic within the established perimeter to leave the area.
- Q. Fire Scene Traffic Control
1. Officers shall control traffic at fire scenes. Officers shall control surrounding areas to see if they are impacted by detours and assist with traffic where needed.
 2. Private vehicles driven by volunteer firefighters shall not be parked in the fire zone and are to be parked in a manner so as not to obstruct emergency vehicles and equipment.
- R. Traffic Control during Adverse Conditions

1. Officers may be required to perform traffic direction and control duties when adverse/hazardous road or weather conditions exist. Adverse conditions may be a result of an accident or the following:
 - a. Inclement weather; snow; ice on roadway; flooding
 - b. Accidental hazards; downed trees, downed power lines, debris in roadway
 2. When adverse conditions exist, officers shall notify the EHPSCC of such conditions, and it shall be determined by a supervisor what traffic control measures should be taken including manual control or the use of temporary traffic control devices (i.e. temporary stop signs, traffic cones, etc.). Such measures shall be implemented if deemed necessary.
 3. EHPSCC personnel will be responsible for ensuring contact with the Director of Public Works, the State Department of Transportation and/or the appropriate utility company.
- S. Traffic Control at Collision Scenes
1. Officers must consider a number of factors when controlling traffic at a collision scene including, but not limited to the following:
 - a. Road width, traffic volume, and surrounding environment.
 - b. Due to hazards such as oils, fuels, hazardous materials, and debris, flares should be avoided near spills.
 - c. Multiple officers may be needed and a supervisor should coordinate them. This situation may occur when routing traffic around large collisions, routing traffic on the wrong side of the road, during fog, at night, and near collisions on curves or hills.
 - d. Officers should use the appropriate warning equipment.
 - e. Coordination with other emergency vehicle crews and tow trucks.
 - f. An analysis of the need to create detours.
 - g. Officers should always attempt to keep the traffic flowing without presenting further dangers. Traffic backup may create other collisions.
 - h. Officers should never route traffic onto the opposite side of the road unless there are adequate personnel to ensure safety.
- T. Manual Operation of Traffic Control Lights
1. In the case of special events and/or malfunctions, officers may change the traffic control lights to flash or manually operate the traffic control lights. Once the event has passed or the malfunction is repaired, the light will be put back to normal operation.

2. Malfunctioning traffic lights will be reported to the Connecticut Department of Transportation or East Haven Public Works for repair.

U. Motorized Escorts

1. Generally, the Department does not provide escorts in the following circumstances.
 - a. Civilian vehicles during medical emergencies, but will summon emergency medical services and render first aid, except under EXTREME circumstances, and only with the approval of a supervisor.
 - b. Funerals, with the approval of the Chief of Police or his/her designee.
 - 1) When so approved, officers will provide traffic control for the funeral procession as directed by shift commander, with emphasis on major intersections, and stopping bystander vehicles, allowing the procession to continue.
 - c. Escorts for dignitaries, oversized loads, and hazardous cargo will be referred to the Head of the Patrol Division, who shall assign officers for traffic control and/or security as needed.
 - d. Officers shall notify a supervisor if they believe additional officers may be needed to safely provide an escort and officers will be deployed where necessary, if manpower permits.

DRAFT

ALL FOREIGN MISSIONS AND THEIR PERSONNEL (Other than United Nations or TECRO/TECO)	
During Business Hours (Monday-Friday, 8am-5pm EST)	
To verify immunity, call the Office of Foreign Missions (OFM):	202-895-3521
Send Reports/Citations to OFM:	OFMDMVENforcement@state.gov 202-895-3646 (Fax)
For 24/7 Hour Response, Call Diplomatic Security Command Center	(571)-345-3146 (866)-217-2089

MISSIONS AND SECRETARIAT TO THE UNITED NATIONS AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
To verify immunity and for law enforcement inquiries:	212-415-4168 212-415-4407 212-415-4300
Diplomatic motor vehicle registration and driver's licensing inquiries:	202-895-3521 OFMDMVInfo@State.gov
After Hours	
USUN-Communications Section	212-415-4444

TECRO/TECO AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
To verify immunity and for law enforcement inquiries:	703-525-8474
Diplomatic motor vehicle registration and driver's licensing inquiries:	202-895-3521 OFMDMVInfo@state.gov

Source: https://www.state.gov/wp-content/uploads/2019/07/2018-DipConImm_v5_Web.pdf

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 427.42⁴³
	Subject/Title: Field Interviews, Observations, and Investigatory Stops	Issue Date: September 29, 2020	
		Effective Date: October 1, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: N/A <u>Connecticut General Statutes § 54-33b</u>		Rescinds: 427.³²	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 conducting field interviews, field stops, and observations.

II. POLICY

- A. It is the policy of the East Haven Police Department for all of its members to operate within the parameters of established State and Federal laws along with judicial case law when conducting consensual encounters, field observations, investigatory stops, and frisks, to strike the correct balance among the legitimate needs of public safety and law enforcement, officer safety and the individual's constitutionally guaranteed rights.
- B. Consensual encounters, investigatory stops, frisks, and field observations are effective tactics in the mission to prevent, interrupt, detect, or intercept individuals who may be contemplating or engaged in criminal activity.
- C. Consistent with the Department's policies, officers, in deploying these tactics, shall be respectful of individual rights and be consistent with the law and judicial standards.
- D. It is the policy of the East Haven Police Department that in all consensual encounters, field observations, investigatory stops, and frisks, all persons encountered will be treated with respect and dignity, regardless of the circumstances of the stop or the social status of the individual.

III. DEFINITIONS

- A. Field Observation: A field observation does not involve any actual contact with an individual or group. It involves an officer making observations as part of an investigative effort or as a means of gathering sufficient information or intelligence, including an individual or group's conduct, associations, and/or vehicle information.
- B. Consensual Encounter: A police activity that does not rise to the level of an investigatory stop or a detention where the individual is free to leave. Examples of consensual encounters include field interviews and observations.
- C. Field Interview: An interaction in which a police officer identifies an individual and finds out that person's business for being in a particular area. A field interview is by definition a limited consensual encounter with an individual that does not rise to the level of a formal stop and frisk.
- D. Investigatory Stop: Is defined as the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions of criminal conduct. This is often referred to as a "Terry Stop," or a threshold inquiry.
- E. Reasonable Suspicion: Exists when an officer, based on specific and articulable facts, and the rational inferences drawn from those facts, believes that an individual has committed, is committing, or is about to commit a criminal offense. Reasonable suspicion may be based on direct observations or a combination of factors, including, but not limited to, the individual's prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning, admissions or confessions, the nature of the area, and reliable hearsay.
- F. Frisk: Is defined as the pat down of the outer clothing for weapons. An officer may only conduct a frisk when he/she reasonably suspects that the person stopped (1) committed, is committing, or is about to commit a criminal offense, and (2) is armed and dangerous, and thus poses a threat to the officer or others.
- G. Search: An officer must have probable cause in order to conduct a non-inventory search of an individual or his/her property.
- H. Probable Cause: A foundation, based on the facts and circumstances and any sufficiently trustworthy information known to the officer or the collective knowledge of the police, for the belief that a person has committed, is committing, or is about to commit a crime. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion. Probable cause may be based on direct observations or a combination of factors, including, but not limited to, the individual's prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning, admissions or confessions, the nature of the area, and reliable hearsay.

- I. Intelligence: Consists of stored information on activities, associations of individuals, organizations, business, and/or groups who are either:
 1. Suspected of actual or attempted planning, organizing, financing, or commission of criminal acts.
 2. Suspected of being associated with criminal activity with known or suspected criminals.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Research is very clear in suggesting that the primary issue shaping people's views about the police is whether they believe that the police are exercising their authority through fair procedures—that is, on procedural justice.
- B. People are sensitive to whether they are treated with dignity and politeness, and to whether studies show that when the public believes that the police exercise their authority in procedurally fair ways, they accept the legitimacy of the police and defer to police authority, both in particular situations and through general increased compliance with the law and cooperation with the police. And, of particular importance is that the use of fair procedures encourages voluntary acceptance of police and legal authority.

V. PROCEDURES

- A. Field Interviews.
 1. A field interview may involve the following activities.
 - a. Approaching an individual for the purpose of striking up a conversation.
 - b. Asking an individual to identify himself/herself and his/her business in the area. An officer, however, may not employ words or conduct from which a reasonable person would conclude that he/she is not free to leave.
 - c. Noting the individual's physical description, racial background, ethnicity when appropriate, vehicle, location and associates.
 - d. Asking permission to take an individual's photograph, with the understanding that if permission is denied, the officer will not photograph the subject.
 - 1) This does not restrict an officer from conducting standard photo and video surveillance during an investigation.
 2. Since a field interview is a consensual interaction, a police officer may initiate such an encounter without any information indicating that an individual has been or is presently engaged in criminal activity. Although no criminal predicate is required, an officer should have a legitimate intelligence purpose for initiating a field interview.
 3. The following guidelines should be adhered to when conducting a field interview.

- a. When approaching an individual or group of individuals, officers should clearly identify himself/herself as a police officer, if not in uniform, by announcing his/her identity and displaying departmental identification.
- b. Officers should inform the individuals approached that the encounter is consensual and that they are free to leave at any time.
- c. Officers should be courteous at all times during the contact, but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
- d. Officers should generally confine their questions to the individual's identity, place of residence, business in the area, and other limited inquiries necessary to resolve any suspicion of criminal activity. However, in no instance should an officer engage an individual longer than is reasonably necessary to make these limited inquiries, unless of course, the facts that become known to the officer warrant an investigatory stop or detention.
- e. Officers are not required to provide an individual with Miranda warnings in order to conduct a field interview. Miranda warnings are required only if the officer's inquiry yields specific facts that:
 - 1) Elevate the officer's suspicions to probable cause to arrest the subject and the subject is told that he/she is not free to leave; and
 - 2) Support an attempt to engage in a custodial interview of the subject.
- f. Individuals are not required, nor can they be compelled, to answer any questions posed during a field interview. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to conduct an investigatory stop or make an arrest, although it may provide sufficient justification for additional observation and investigation.
- g. Should an individual or group of individuals refuse to respond to an officer's efforts in conducting a field interview, absent reasonable suspicion of criminal activity, an officer must not interfere with that individual or group's ability to move about freely. Officers shall be guided by the following legal principles.
 - 1) An individual does not have a legal duty to cooperate with police inquiries.
 - 2) An individual need not answer the questions posed to him. He/she may decline to listen to the questions at all, and go on his/her way.
 - 3) Any attempt to detain the individual, even momentarily, without a lawful basis for doing so, is impermissible.
 - 4) The refusal to answer or cooperate does not create the grounds to detain.

- 5) An individual may openly photograph or video record police officers during a field interview.
- h. The following acts are prohibited in the conduct of a field interview.
 - 1) Show or use of authority, including the presence of an excessive number of uniformed officers.
 - 2) Display of a weapon.
 - 3) Order to stop.
 - 4) Use of lights/siren.
 - 5) Use of threatening or intimidating tone of voice.
 - 6) Requesting and then retaining an individual's driver's license or other form of identification.
 - 7) Any physical touching.
 - 8) Any suggestion, either by word or action, of intent to frisk.

B. Field Observations

1. Officers may observe persons known to them who may have previously engaged in some form of criminal activity or who may still be under some form of pre- or post-trial supervision.
2. Officers may observe individuals who appear to be engaging in activities or be in places that arouse officers' suspicions. In these instances, an officer may elect to watch a subject prior to approaching him/her to gain a better understanding as to what may be transpiring, and to develop a reasonable factual basis for elevating the officer's interaction with the subject.
3. Officers may observe subjects already under investigation to collect additional information that may further enhance the investigation and share that information with other investigators. This information may include the circumstances of where the subject has been observed; the kinds of activities the subject engaged in; the identity of persons who are noted to be in the company of the subject; the vehicle being driven by the subject; and other relevant information.

C. Investigatory Stops

1. An officer with reasonable suspicion that a crime has taken place, is taking or will take place, may temporarily stop and briefly detain a person. The officer may inquire into possible criminal behavior even though the officer does not have probable cause

- to make a lawful arrest at that time. In addition, an officer may frisk such a person for weapons as a matter of self-protection when the officer reasonably believes that his/her own safety, or that of others nearby, is endangered. The purpose of this temporary detention for questioning is to enable the officer to determine whether to make an arrest, investigate further, or to take no further police action at that time.
2. This policy recognizes officers are also charged with community caretaking functions that do not require judicial justification. The proper exercise of community caretaking responsibilities, however, is limited to circumstances where an officer acts in response to an immediate danger or concern for an individual's well-being. Community caretaking does not include the detection, investigation, or the acquisition of evidence related to crime.
 3. A search for weapons is permissible whenever an officer reasonably believes he/she is dealing with an armed individual, regardless of whether the officer has probable cause to arrest for a crime. The officer need not be absolutely certain that the individual is armed. The legal standard is whether a reasonably prudent person would be warranted in his/her belief the officer's safety, or that of others, was in danger.
 4. Investigatory stops by the police are considered to be "forcible" rather than "voluntary," and are, therefore, held to be seizures under the Fourth Amendment. The degree of force appropriate to enforce a stop in a particular case is dependent upon the surrounding facts and circumstances.
 5. If an officer fails to adequately enforce a stop, it could result in the escape of a dangerous criminal or pose a serious threat to the lives and safety of other persons. Conversely, the use, display, or threatened use of actual force to carry out an investigatory stop, when such force is not justified under the circumstances, could result in a finding by the court that an arrest occurred without probable cause.
 6. Officers should never hesitate to make an investigatory stop and perform a necessary frisk when they have the legal basis to do so in order to meet the practical needs of effective law enforcement.
 7. An officer with reasonable suspicion of criminal activity may temporarily stop and detain a person. The officer must be able to articulate and commit his reasons to writing.
 8. When a plain-clothed officer makes a decision to stop a person for investigative purposes, he or she should identify himself/herself as a police officer, as soon as it is safe and practical to do so. Both uniformed and plain-clothed officers should also announce the purpose of the inquiry.

9. Once stopped, an individual suspect may be patted down for weapons if a reasonable suspicion exists. Any questioning of the individual stopped should be conducted at that location provided the officer has reasonable suspicion for doing so.
10. Under special circumstances, such as the gathering of a hostile crowd, heavy traffic, or the necessity to use the police radio, the person may be placed in the rear seat of a police vehicle.
11. As part of an investigatory stop, the person may be detained for a short time so that an eyewitness may be brought to the scene to make a Show-Up identification.
12. The officer must be able to articulate what specific facts or observations, together with reasonable inferences, aroused his suspicions.
13. A police officer has the authority to stop a person for an investigative inquiry in any place where the officer has a right to be, including the following.
 - a. Any public place.
 - b. Any place or areas open to the public.
 - c. Any private premises entered with a valid warrant, by consent, or under emergency circumstances.
14. No single factor is usually sufficient to create a reasonable suspicion. The officer must assess the situation based on a consideration of all relevant circumstances. The following are some of the factors which may be considered in determining the reasonableness of an investigatory stop and possible frisk by an officer in the field.
 - a. Basis for a stop.
 - 1) The personal observations of the officer and his police training and experience.
 - 2) An officer's knowledge of criminal activity in the area.
 - 3) The time of day or night, and the place of observation.
 - 4) The general appearance and demeanor of the person and any furtive gestures or behavior that indicates possible criminal conduct.
 - 5) The person's proximity to the scene of a recently reported crime.
 - 6) Unprovoked flight of an individual upon noticing the police.
 - 7) The knowledge of the person's prior criminal record or his association with known criminals.

- 8) Resemblance of the suspect to a person wanted for a known crime.
 - 9) Information received from police sources or from other reasonably reliable sources of information.
 - 10) The type of crime being investigated.
 - 11) Whether the officer is alone or outnumbered
- b. Basis for a frisk.
- 1) Visible objects in the person's possession or obvious bulges in his/her clothing, suggestive of weapons.
15. Officers shall exercise due caution when making an investigatory stop.
- a. The fact that an individual has aroused the police officer's suspicion should cause the officer to make his/her approach with caution based on his training and judgment, alert to the possibility of potential danger.
 - b. A routine police check of suspicious circumstances may uncover the commission of a serious crime or the presence of a dangerous criminal.
 - c. If the stopped suspect has just committed a major crime, he/she may be an immediate threat to the officer's safety or he may suddenly attempt to flee from the scene.
 - d. Use of Force to Stop.
 - 1) If the person fails or refuses to stop when so directed by a police officer, reasonable force and physical restraint (including handcuffs) may be justified. See also Policies and Procedures # 404 - Use of Force.
 - 2) Actual force may be used to stop an individual, as long as the force is both necessary and proportionate to the situation. However, this does not include the discharge of firearms or application of other weapons or devices.
 - 3) Self Defense: If an officer is attacked, sufficient and reasonable force may be used to defend himself/herself and to ensure his personal safety.
 - 4) Any use of force and the reporting thereafter shall be consistent with the Department's Policies and Procedures on Use of Force.
16. An investigatory stop should begin with exploratory questions regarding the suspect's identity and his purpose for being in a particular area.
- a. Every officer should initiate an investigatory inquiry in a calm, conversational manner in order to gain as much information as possible without placing the suspect on the defensive.

- b. Even in a brief conversation with a suspect, an alert and well-trained officer can often detect or sense that something is wrong and determine if further police investigation is required.
17. Duration of an investigatory stop.
- a. The stop should be reasonably brief under the particular circumstances. The degree of suspicion the officer reasonably harbors must be proportional to the duration of the detention. Officers must exercise discretion to determine the period of time required for an investigatory stop.
 - b. A stop may only last long enough for the officer to make the threshold inquiry into whether the suspicions were or were not well-founded.
 - c. The period of investigative detention should be sufficiently brief so that the “stop” cannot be construed as an “arrest,” which would require probable cause.
18. Criteria for Frisks.
- a. A frisk shall not be made a pretext to search for evidence of crime. A frisk must be a protective measure.
 - b. If there is no danger, a frisk is not justified, even if a stop is warranted.
 - c. If an officer reasonably believes that his/her own safety or that of others is in danger, he/she may pat-down the person stopped and may also search the area and containers within that person’s immediate control for weapons or other items that could inflict injury.
 - d. It is not necessary that the officer be absolutely certain that such person is armed. However, the officer must perceive danger to himself/herself or others because of events leading to the stop or which occurred after or during the stop.
 - e. If the officer has a reasonable belief or suspicion, based upon reliable information or personal observation, that a subject is carrying or concealing a weapon on his/her person, the officer should immediately check that area before performing a general pat-down.
 - f. The frisk must initially be limited to an external pat-down of the suspect’s outer clothing. However, if the outer clothing is bulky, such as a heavy overcoat, the garments may be opened to permit a pat-down of the inner clothing.
 - g. The pat frisk of a hard container, e.g. such as a backpack, suitcase or hard leather/steel toed boots, may not be sufficient to detect whether a suspect has a weapon on his/her person or within his/her reach. Officers may open such containers as a protective measure.

- h. The pat frisk of a soft container usually will suffice to support or eliminate an officer's reasonable suspicion that a weapon or other dangerous device, e.g., an explosive, may be hidden within. In such cases, a pat frisk of the container should ordinarily be performed prior to opening the container. With such containers, if the pat frisk reveals that no weapon or other dangerous device is inside, no further search of the container is required.
- i. Particular features of any container, readily observable by an officer, may make it apparent that nothing short of opening the container will suffice to address the officer's reasonable suspicions. In such cases, officers are not required to perform a preliminary pat frisk of the container.
- j. When a pat-down is conducted on a member of the opposite sex, officers shall use the preferred method for frisking of a person of the opposite sex (e.g., use the back of the hand).
- k. If the officer feels an object that could reasonably be a weapon, he/she may conduct a further search for that particular object and remove it.
- l. An officer may also seize contraband detected while frisking a suspect for possible concealed weapons, as long as the contraband is instantly recognizable by "plain feel." Whether contraband (including non-threatening contraband such as drugs) is instantly recognizable to the officer by "plain feel" may be dependent upon that officer's training and experience. The "plain feel" doctrine, however, is limited. It does not permit an officer to conduct a general exploratory search for whatever evidence of criminal activity he might find. If the officer must manipulate or otherwise further physically explore the concealed object in order to discern its identity, then an unconstitutional search has occurred.
- m. If, after completing a pat-down of the subject, the officer does not feel any object that could reasonably be a weapon, the search shall be discontinued.
- n. If, while frisking a stopped person, the officer discovers an illegal firearm, contraband, stolen property, or evidence of a crime, and probable cause to arrest develops, an arrest should be made and a full-scale search incident to that arrest should be made.
- o. Since an investigatory stop is a non-custodial seizure, police are not obligated to advise a suspect of his/her Miranda warnings prior to threshold questioning. However, should an officer restrain a person beyond the extent minimally necessary to effectuate the stop, a custodial situation may exist in which the requirements to issue Miranda warnings will apply.

D. Consent Searches of Motor Vehicles and/or Persons

1. No officer may ask an operator of a motor vehicle to conduct a search of the motor vehicle or the contents of the motor vehicle that is stopped by an officer solely for a motor vehicle violation.
 - a. Any search by an officer of a motor vehicle or the contents of the motor vehicle during a stop for a motor vehicle violation shall be:
 - 1) Based on probable cause; or
 - 2) After having received the unsolicited consent to perform such search from the operator of the motor vehicle in written form or recorded by a body-worn camera (BWC) or a mobile video recorder (MVR).
 - b. This section does not apply if an officer is authorized to conduct a motor vehicle inventory in accordance with Policies and Procedures # 702 – Motor Vehicle Inventory.
2. An officer may ask a person to conduct a search of their person, provided such officer has reasonable and articulable suspicion that a weapon, contraband or other evidence of a crime is contained upon the person, or that the search is reasonably necessary to further an ongoing law enforcement investigation.
 - a. An officer who solicits consent to search a person shall, whether or not the consent is granted, complete an incident report documenting the reasonable and articulable suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation.
 2. ~~Absent the existence of probable cause, receiving the consent of a person to conduct a search of him/her does not constitute justification for the officer to conduct such search.~~

VI. SPECIAL CONSIDERATIONS FOR MAKING FIELD STOPS OF ADOLESCENTS AND CHILDREN

- A. Children's and adolescent's perceptions and behaviors are influenced by biological and psychological factors related to their developmental stage.
- B. Children's and adolescent's responses differ from adults because of fundamental neurobiological factors and related developmental stages of maturation.
- C. How children and youth perceive, process and respond to situations is a function of their developmental stage, and secondarily of their culture and life experience.
- D. Police should define expectations, responses, and interactions to the developmental stage of the children and youth they serve.
- E. A developmentally competent approach helps police navigate with teens the complicated process of trying on different personalities and testing limits as they converge on adulthood.

- F. As police officers, recognizing what drives a young person's behavior, and providing alternatives in a developmentally competent manner, increases the likelihood of teens choosing more appropriate strategies to plot a course through the complex demands of adolescence.

VII. REPORTING OF INFORMATION GATHERED IN FIELD INTERVIEWS, FIELD OBSERVATIONS AND INVESTIGATORY STOPS

- A. Reporting Field Interviews/Observations and Investigatory Stops: The information or intelligence obtained as a result of a field interview, field observation, or investigatory stop may have immense importance to an ongoing investigation or may serve as important intelligence relative to future investigations. It may also provide factual and legal justification for elevating initial suspicions to those that would support an investigation. Unless information obtained during field interviews, field observations, and investigatory stops is collected and shared, it is of little value. Pooling this information benefits the entire department. Toward this end, the department has created a Field Interview report form. The report is available in the Field Interview module in LEAS.
- B. The following guidelines shall be adhered to with regards to Field Interview reports.
1. Whenever an officer engages in a field interview or a field observation, the officer shall complete a Field Interview report with as much information as can be gathered during that particular incident. This must include the legitimate intelligence purpose for the field interview or field observation. A legitimate intelligence purpose may include, but is not limited to, instances when an officer observes and/or interviews
 - a. An individual known to be associated with a gang or criminal enterprise.
 - b. An individual who is the subject of an on-going investigation.
 - c. An individual who is known to the officer to be under some form of pre-trial or post-trial supervision.
 - d. An individual in a suspicious neighborhood or location based on his/her known associations.
 - e. An individual acting suspiciously because of the time of day at which the activity is observed.
 - f. An individual who appears to be engaging in or about to engage in criminal behavior.
- C. The Field Interview report on the encounter or observation, shall include:

1. The legitimate intelligence purpose, and/or documenting sufficient facts establishing the lawful basis for the stop, officer must also record.
 2. The date, time, and location of the field interview, field observation, or investigatory stop.
 3. The race of the individual(s).
 4. Name, address, gender and age of the individuals(s).
 5. Additional demographic information as may be relevant to particular cases.
- D. Should a field interview escalate in to an arrest, the officer shall incorporate all of the information obtained during the encounter into the appropriate police investigation report, being sure to attach all personal information and any vehicular information to the appropriate files.
- E. In the event that a field interview escalates in to an investigatory stop, or where an investigatory stop is initially conducted, the officer shall provide as much supporting information as can be gathered to establish the reasonable suspicion for the stop.
- F. Homeland Security: Whenever an officer determines that an individual may be engaged in suspicious activity that relates to Homeland Security the officer shall document the determination and the police response related to the activity in an Incident Report. Some examples of such suspicious activity may include, but are not limited to, the following.
1. Persons observed, or reported to have been, taking photographs, making sketches, or taking unusual interest in the details of certain infrastructure such as tunnels, bridges, fuel storage facilities, or similar venues that may be considered high value targets for terrorism activity.
 2. Persons who are in possession of, or attempt to gain possession of, uniforms, equipment, or identification that may not be consistent with legitimate needs.
 3. Persons in possession of false or altered identification documents.
 4. Persons involved in acquiring unusual materials, or inordinate amounts of materials that could be used in the making of dangerous devices.
- G. Access to Field Interview Reports: The department will provide access to Field Interview reports in the LEAS for each sworn officer and authorized user.

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 434.<u>65</u>
	Subject/Title: Search Warrants & Arrest Warrants	Issue Date: September 29, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: October 1, 2020	
References/Attachments: Policies & Procedures #: 412 Connecticut General Statute § 54-33a, <u>54-33b</u>, 54-2a		Review Date: Annually	
		Rescinds: 434.<u>54</u>	
		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 search warrants and arrest warrants.

II. POLICY

- A. It is the policy of the East Haven Police Department that the Fourth Amendment of the United States Constitution, the Constitution of the State of Connecticut, applicable state statutes, and the highest standards of personal honesty and professionalism shall guide officers when they are applying for and serving search warrants and arrest warrants. Deviations from these standards shall result in discipline up to and including termination.

III. DEFINITIONS

- A. Arrest: The power and authority of a police officer to apprehend and deprive persons of their liberty, as provided by law, in order that such persons may be brought before the court to answer to criminal charges.
- B. Arrest warrant: A warrant that authorizes a law enforcement officer to arrest a person. Section 54-2a of the Connecticut General Statutes authorizes the issuance of arrest warrants on the premise "...there is probable cause to believe that an offense has been committed and that the person complained against committed it". Police officers have the legal authority to effect an arrest based on an arrest warrant.
- C. Search Incident to a Lawful Arrest: A search is reasonable, and a search warrant is not

required, if a search is conducted as an incident to a lawful arrest. Under this exception to the search warrant requirement, an arresting officer may search only the person arrested and the area within which that person might gain possession of a weapon or might destroy or hide evidence.

- D. **Inventory Search:** An inventory search is the routine inventory of an impounded vehicle. The Supreme Court has ruled that evidence of a crime uncovered during such a search can be used for prosecution. A warrant is not required because the state, in legally impounding the vehicle, bears legal liability for the contents of the vehicle. Officers must submit a written list of these contents. Under the plain view doctrine, because police conducting the inventory have a legitimate reason to look inside the car, it is not reasonable for them to close their eyes to evidence of crime.
- E. **Consent:** Voluntary agreement to the proposal of another; the act or result of reaching an accord; a concurrence of minds; actual willingness that an act or an infringement of an interest shall occur.
- F. **Plain View:** The principle that provides that objects perceptible by an officer who is rightfully in a position to observe them can be seized without a Search Warrant and are admissible as evidence.
- G. **Community Caretaker Function:** The Courts have created a Caretaker exception under which local police officers are charged with community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to violation of any criminal statute. An example is checking on motorists parked in rest areas, especially in winter,⁶ or opening an unlocked door of a parked vehicle when the officer is acting out of concern for the well-being of the person inside.
- H. **Exigent Circumstances:** An unusual and time-sensitive circumstance that justifies conduct that might not be permissible or lawful in other circumstances.
- I. **Motor Vehicle Exception:** Under the motor vehicle exception, officers may conduct a warrantless search of an automobile, except for the trunk, if the officers reasonably believe that the vehicle holds evidence of a crime.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. The Fourth Amendment of the U.S. Constitution safeguards the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures”.
- B. Section 54-33a of the Connecticut General Statutes provides the court with the authority to issue search warrants “commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into their custody all such property named in the warrant.”

- C. Any search and/or seizure conducted without a warrant must fall within one of the following search warrant exceptions
1. Search Incident to a Lawful Arrest.
 2. Inventory Search.
 3. Consent.
 - a. No officer may ask an operator of a motor vehicle to conduct a search of the motor vehicle or the contents of the motor vehicle that is stopped by an officer solely for a motor vehicle violation.
 - 1) Any search by an officer of a motor vehicle or the contents of the motor vehicle during a stop for a motor vehicle violation shall be:
 - a) Based on probable cause; or
 - b) After having received the unsolicited consent to perform such search from the operator of the motor vehicle in written form or recorded by a body-worn camera (BWC) or a mobile video recorder (MVR).
 - b. An officer may ask a person to conduct a search of their person, provided such officer has reasonable and articulable suspicion that a weapon, contraband or other evidence of a crime is contained upon the person, or that the search is reasonably necessary to further an ongoing law enforcement investigation.
 - 1) An officer who solicits consent to search a person shall, whether or not the consent is granted, complete an incident report documenting the reasonable and articulable suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation.
 - ~~b. Absent the existence of probable cause, receiving the consent of a person to conduct a search of him/her does not constitute justification for the officer to conduct such search.~~
 4. Plain View.
 5. Caretaker Function.
 6. Exigent Circumstances.
 7. Motor Vehicle Exception.

V. PROCEDURES

A. Search Warrants

1. Applying for Search Warrants

- a. Officers will familiarize themselves with Section 54-33a of the Connecticut General Statutes and training bulletins updating court decisions as they pertain to the law of search and seizure, including the requirements for obtaining a search warrant.

- b. All search warrant affidavits shall provide an accurate, complete, and clear description of the offense, the person, place or thing to be searched, scope of the search, and time and method of the search.
 - c. A supervisor, specifically the primary officer's immediate supervisor when feasible, shall review each search warrant affidavit application, before it is filed by an officer, for appropriateness, legality, and conformance with Department policy. The reviewing supervisor shall assess the information contained in the warrant application and supporting documents for authenticity, including an examination for "canned" or conclusory language, inconsistent information, and lack of articulation of a legal basis for the warrant.
 - 1) As part of the supervisor's review, the supervisor shall document in an auditable format those warrant applications that are legally unsupported, are in violation of department policy or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
 - 2) The supervisor shall take appropriate action to address violations or deficiencies, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for investigation.
2. Search Warrant Service
- a. Upon receipt of a signed search warrant from court, the affiants will notify their supervisor to arrange for the search warrant to be served. The affiant officers, will make a diligent effort to serve the search warrant.
 - b. Prior to serving a search warrant, an Operations Plan shall be completed except for the following circumstances:
 - 1) Search warrants for medical, telephone, and/or internet records.
 - c. A supervisor shall review the Operations Plan for the execution of a search warrant and, absent exigent circumstances, shall be present for execution of the search warrant. A supervisor shall document in the case file the exigent circumstances preventing his or her presence.
 - 1) This section does not apply to search warrants for medical, telephone, and/or internet records.
 - d. During the execution of a search warrant, if an officer has reason to believe that any of the property described in the warrant is concealed in the garments of any person in or upon the place or thing to be searched, the officer may search the person for the purpose of seizing the described property.
 - 1) When the person to be searched is a female, the search shall be conducted by a female officer.
 - 2) When the person to be searched is a male, the search shall be conducted by a male officer.

- e. Once executed, a supervisor shall review the execution of the search warrant. Supervisors shall memorialize their reviews in writing within 24 hours of the execution of a search warrant.
 - 1) This section does not apply to search warrants for medical, telephone, and/or internet records.
 - e. Whenever an officer has a search warrant for an out of town address, but within the State, or during times other than their regular shift, that officer shall contact their Division Head and/or Shift Commander, who shall be responsible for arranging the service of the search warrant.
 - f. If information develops making it necessary to serve a search warrant immediately, the officer's Division Head and/or Shift Commander shall decide the time and manner in which it will be served.
 - g. Whenever an officer(s) is serving a search warrant out of town, the agency of that town shall be contacted and advised of the intent to serve such search warrant. A request shall be made for that agency's assistance if needed.
 - 1) This section does not apply to search warrants for medical, telephone, and/or internet records.
 - h. If there are insufficient on-duty personnel, additional personnel will be called in so that the search warrant may be served. Only sworn officers will serve search warrants.
3. Record Keeping Process
- a. A case number will be assigned by dispatch for each search warrant served. The name of the subject and/or the location of the attempt will be noted in the written report.
 - b. Officers shall use the original case number in the warrant service report and include a brief summary of circumstances of the original case, including the location where the warrant was served.
 - c. The officers shall forward a copy of the report(s) to the Records Division.
 - d. The department shall maintain a log file listing each search warrant, the case file where a copy of such warrant is maintained, the officer who applied for, and each supervisor who reviewed the application for a search warrant.

B. Arrest Warrants

1. Applying for Arrest Warrants

- a. If probable cause exists for an arrest, and the arrest without a warrant is not feasible, the investigating officer will complete an arrest warrant affidavit application.

- 1) An officer may confer with his or her immediate supervisor for approval to use his or her discretion or other means necessary to resolve the issue in cases that do not mandate an arrest.
 - b. All arrest warrant affidavits shall be completed within LEAS.
 - c. The officer completing the arrest warrant affidavit shall ensure the affidavit is completed in its entirety.
 - 1) The narrative contained within the affidavit should be clear, concise, and accurate.
 - 2) Probable cause shall be clearly articulated within the narrative of the affidavit.
 - d. Upon completion of the affidavit, a supervisor, specifically the officer's immediate supervisor when feasible, shall review the affidavit and supporting documents for deficiencies, appropriateness, legality and conformance with Department policy. The reviewing supervisor shall assess the information contained in the warrant affidavit and supporting documents for authenticity, including an examination for
 - a. "canned" or conclusory language,
 - b. inconsistent information,
 - c. lack of exculpatory information,
 - d. lack of articulation of the legal basis for the affidavit.
 - e. Upon the completion of the supervisory review and any required revisions of the affidavit, the officer/affiant shall sign and date the affidavit.
 - f. Upon completing the supervisory review, the supervisor shall sign the arrest warrant affidavit application. By signing the arrest warrant affidavit application, the supervisor is confirming that the arrest warrant affidavit application contained probable cause, did not contain deficiencies and conformed to departmental policy.
 - g. The affidavit shall then be submitted to court for approval.
2. Arrest Warrant Service
- a. Upon receipt of a signed arrest warrant from court, the arrest warrant will be provided to Records personnel so it can be entered into LEAS and COLLECT/NCIC.
 - b. Once the arrest warrant is entered into LEAS and COLLECT/NCIC, Records Division Personnel will notify all officers of the active arrest warrant via department e-mail.

- c. Upon the affiant officer being notified of the court approved arrest warrant, the affiant will notify their supervisor to arrange for the arrest warrant to be served. The affiant officer will make diligent efforts to serve the arrest warrant as soon as practical to do so.
- d. The officer will document each attempt of service in LEAS on a separate case number, which will be cross referenced to the original case number by the dispatcher.
- e. Any unsuccessful attempt to serve the arrest warrant shall be documented in LEAS.
- f. If the subject is located and placed under arrest, Policies and Procedures # 412 – Arrests shall be followed.

DRAFT

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 505.54
	Subject/Title: Juvenile Offenders	Issue Date: December 17, 2019	
		Effective Date: January 15, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Policies and Procedures #: 439 <u>Connecticut General Statutes § 46b-120, 46b-133</u>		Rescinds: 505.43	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 handling of juvenile offenders.

II. POLICY

- A. It is the policy of the East Haven Police Department that its personnel shall display sensitivity and respect the rights of all juveniles with whom they come in contact with through enforcement and/or the provision of services.

III. DEFINITIONS

- A. Delinquent Under Sixteen (16): A person may be convicted as "delinquent" who has, while under sixteen (16) years of age, committed any of the following acts.
1. Violated any federal or state law, except section § 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a.
 2. Violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs.
 3. Willfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice.

4. Violated any order of the Superior Court in a delinquency proceeding, except as provided in section § 46b-148.
 5. Violated conditions of probation in a delinquency proceeding as ordered by the court;
- B. Delinquent Age Sixteen (16) or Seventeen (17): A person may be convicted as "delinquent" who has, while sixteen (16) or seventeen (17) years of age, violated any federal or state law, other than any of the following.
1. An infraction, other than possession of drug paraphernalia for use with under ½ ounce of marijuana.
 2. A violation, other than the possession of under ½ ounce of marijuana,
 3. A motor vehicle offense or violation under Title 14,
 4. A violation of a municipal or local ordinance, or
 5. A violation of section § 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a;
- C. Age Sixteen (16) or Younger: A person may be convicted as "delinquent" who has while 16 years of age or younger committed any of the following acts.
1. Willfully failed to appear in response to a summons under section § 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice,
 2. Violated any order of the Superior Court in a delinquency proceeding, except as provided in section § 46b-148, or
 3. Violated conditions of probation in a delinquency proceeding as ordered by the court.
- D. ~~As used in these procedures, "juvenile" or "child": Juvenile or Child means: A person under eighteen (18) years of age who has not been legally emancipated and who was not younger than ten (10) years of age at the time of the alleged commission of a delinquent act and is less than eighteen (18) years of age on the date of the commission of a delinquent act as that term is as defined in the Connecticut General Statute § 46b-120, and "court" means the Connecticut Superior Court, Juvenile Matters.~~

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. The Department recognizes that effective police response to incidents involving juveniles requires sensitivity, judgment and discretion on the part of officers. Effective response requires an awareness and understanding of the specific needs of those juveniles. It involves an ability to collaborate with other agencies providing services for young persons, as well as knowledge of the law as it relates to juvenile matters. The manner that members of the Department interact with juveniles may well impact the future of these young people throughout their lives and their impressions regarding police.

- B. The Department has adopted this policy and these procedures from the most recent model statewide policy as published in the Report of the Juvenile Justice Advisory Committee, State of Connecticut Office of Policy and Management, November, 2011.

V. PROCEDURES

~~A.~~ A detective and/or officer may be assigned the following responsibilities in regards to juvenile matters.

- ~~A.~~
1. Screen reports ~~dealing with~~involving police contact with juveniles.
 2. Make/review Department referrals of juveniles to court.
 3. Make/review decisions to divert juveniles from the court.
 4. Maintain liaison with the Superior Court, Juvenile Matters; the Department of Children and Families; schools; and other agencies serving juveniles.
 5. Assist fellow officers with juvenile matters and juvenile crime information.
 6. Design and implement programs intended to prevent and control delinquent and criminal behavior by juveniles.
 7. Maintain an updated list of social service agencies and community professionals serving juveniles and their families, including local juvenile review boards where they exist.

B. Factors to Consider in Handling Juvenile Offenders

1. Sworn personnel have a number of legal and appropriate options available when responding to incidents involving juveniles and therefore have considerable discretion in handling juveniles. When appropriate, officers should use the least coercive option when dealing with a juvenile offender; in choosing which option(s) to employ, officers should consider the following.
 - a. The nature of the alleged offense and the juvenile's role in it.
 - b. The age of the juvenile.
 - c. Past police involvement with the juvenile.
 - d. Possibility of gang affiliation.
 - e. The attitude of the juvenile and parents toward the offense and receptivity of a referral for treatment or rehabilitation.
 - f. Family, school and community adjustment of the juvenile.

- g. The availability of community-based programs for the juvenile.
 - h. The likelihood that an alternative referral will prevent further delinquent behavior.
 - i. The impact on the victim.
 - j. Recommendations, if any, of other agencies or professionals involved with the juvenile.
 - k. Public safety.
- C. Factors never to be considered when handling juveniles.
- 1. Officers should be careful to eliminate any consideration of the following factors in their decision-making.
 - a. Race, ethnicity, gender, economic status, gender identity, creed, and/or religion of the juvenile and/or his/her family.
- D. Incidents involving juveniles may be documented with completion of an incident report including the actions of the officer and the race/ethnicity and other demographic information for the juvenile(s) involved.
- E. Officers Handling Juvenile Offenders
- 1. Officers who respond to situations involving juveniles shall display sensitivity and respect the rights of all juveniles with whom they come in contact, through enforcement, protection and/or the provision of services.
 - a. Officers shall determine whether the juvenile was involved in a criminal or non-criminal offense.
 - b. Officers shall ensure the constitutional rights of juveniles are protected.
 - c. Officers shall determine whether the juvenile has been harmed or is in danger of being harmed when applicable.
 - 2. Enforcement Options
 - a. Verbal warning.
 - 1) When feasible, release the juvenile to a parent, legal guardian, or other responsible adult with no further police action taken.
 - b. Conference with the child/juvenile, parents, teachers and/or others.
 - c. Referral to Juvenile Review Board and/or community agencies.
 - 1) This option uses community resources as an early course of action in handling juvenile delinquency by providing alternatives to court for juveniles who have committed minor criminal violations. Officers may refer to a specific agency

or, if available, to the Juvenile Review Board (JRB) which coordinates the provision of services with schools and community agencies in accordance with Policies and Procedures # 439 – Juvenile Review Board.

d. Referral to Court

- 1) The juvenile court that has jurisdiction over the case is the juvenile court that serves the juvenile's town of residence, which may not be the court serving the location where the crime was committed.
- 2) An out-of-state juvenile charged with committing a delinquent act in Connecticut, if not placed in a juvenile detention center, should be referred to the juvenile court serving the city/town where the act occurred.
- 3) Prepare Juvenile Summons and Complaint/Promise to Appear
 - a) Except for juveniles who are taken to juvenile detention facilities, include a court date from the list of available dates.
 - b) For courts outside of the district where the offense occurred, either the court, or a police department located within a town served by that court, should be contacted to ascertain what days of the week that court hears delinquency cases. This date ~~should be not less~~ shall not be more than five (5) ~~or more than ten (10)~~ business days from the date of the arrest the summons is served unless the juvenile was arrested for a domestic violence ~~offense, theft of motor vehicle offense, or firearms-relate offense.~~ . In said cases, the juvenile shall be given the next available court date.
- 4) Serve Juvenile Summons and Complaint/Promise to Appear
 - a) Except for juveniles who are taken to juvenile detention facilities, officers must serve, either upon release or upon a later decision to refer to court, the Juvenile Summons and Complaint/Promise to Appear on the juvenile and parent/guardian or any other suitable person or agency.
 - b) Since this is the only notice of the court appearance the family will receive, the Notice of Court Appearance portion of the form must be filled out completely and reviewed with the juvenile and family.
 - c) The parent/guardian or other person to whom the juvenile is being released must sign the Promise to Appear portion of the form. If they refuse to sign, the officer should note such refusal on the form and in the police report along with the name of the person to whom the juvenile was released.
 - d) Unless personally known to the officer, the identity of the parent/guardian or other person to whom the juvenile is being released should be verified

and the source of that verification should be included in the police report, regardless of whether they sign the Promise to Appear or not. Whenever a juvenile is released to a person other than the juvenile's parent or guardian, the officer should make a follow up call or visit to make certain that the parent or guardian is aware of the incident and the scheduled court date.

- e) If the person to whom the juvenile is being released is unwilling or unable to provide adequate proof of identity, the juvenile should not be released to that person and Department of Children and Families (DCF) should be contacted; or the juvenile should be considered for admission to a juvenile detention center; or released on their own.

5) Forward Juvenile Summons and Complaint/Promise to Appear to court

- a) The Juvenile Summons and Complaint/Promise to Appear, along with the complete police report (including prosecutor's report), should be sent to the appropriate court as soon as possible so the case can be prepared for the date when the juvenile and the family will appear as summoned. The police report should be signed and sworn in the event the prosecutor elects to request detention of the juvenile at some point prior to conviction.

F. Notice to Parents

- 1. The arresting officer shall notify the parents or guardian of the juvenile as soon as feasible of any arrest of a juvenile.

G. Notice to Superintendent of Schools

- 1. Whenever any person age seven (7) to twenty-one (21) and enrolled in school is arrested for committing a felony, a class A misdemeanor or a violation of C.G.S. 53-206c that prohibits the sale, carrying and brandishing of a facsimile firearm, the arresting officer shall notify the superintendent of schools for the school district in which the person resides or attends of the identity of the person and the alleged offense. Such notification must be made by the end of the next weekday following the arrest.
- 2. Written notification to the superintendent must be made within seventy-two (72) hours of the arrest and include a brief description of the incident (Form NX-1 in LEAS).

H. Release from Police Custody

- 1. Release of a juvenile to a parent, guardian or other suitable person or agency may be appropriate in any of the following circumstances.
 - a. Release would not constitute a serious threat to the juvenile or a member of the public.

- b. The juvenile is likely to appear in court.
 - c. The parent, guardian, or other suitable person or agency appears to be responsible, willing and capable of managing the juvenile.
 - d. Officers may release the juvenile to the custody of a parent, guardian or other suitable person or agency. The police officer should notify the parent/legal guardian of the nature of the charges, and the planned course of action by police, particularly when release is to someone other than a parent.
 - e. In certain situations, with supervisory approval, it may be appropriate to release a juvenile to his/her own custody.
 - f. The notice and copy may be provided by first class mail with return receipt. All efforts to provide such notice and copy should be documented in writing.
 - g. When making the decision to release a juvenile to his/her own custody, consideration must be given to the issues of the juvenile's safety and the police department's liability.
 - h. Officers should be careful to eliminate any consideration of the following factors when making the release decision.
 - ~~1)~~ Race, ethnicity, gender, economic status, gender identity, creed, and/or religion of the juvenile and/or his/her family.
- I. Detention of a juvenile in a juvenile detention facility may be appropriate in any of the following circumstances.
- 1. Probable cause to believe that the juvenile will pose a risk to public safety if released to the community prior to the court hearing or disposition.
 - 2. A need to hold the juvenile in order to ensure the juvenile's appearance before the court, as demonstrated by the juvenile's previous failure to respond to the court process; or to hold the ~~child~~ juvenile for another jurisdiction.
 - 3. An out of state juvenile, who is not charged with any delinquent acts in Connecticut, is located in Connecticut and it is determined that they are wanted for a delinquent act in another state and that state is willing to extradite them back to their home state.
 - 4. Regardless of the seriousness of the charge, the juvenile detention facility will only accept ~~for admission~~ a juvenile who is the subject of one or more of the following.
 - a. An arrest warrant authorizing detention.
 - b. A Take into Custody Order.
 - c. An Order to Detain, an order by the court for the juvenile to be held in detention.

5. Juveniles being brought to an intake facility shall be done without delay unless an exceptional circumstance arises.

J. Medical Care and Mental Health Services

1. Emergency Mobile Psychiatric Services may be contacted by calling 211 and selecting option one (1) in cases involving behavioral or mental health related incidents.
2. Officers should request an ambulance for juveniles who are in need of immediate medical attention. If possible, notify a parent or guardian prior to transport.

K. Procedures for Admission to Juvenile Detention Facilities

1. The criteria for admission to juvenile detention facilities are as follows.
 - a. The juvenile is the subject of an outstanding arrest warrant or other court order to take such ~~child~~juvenile into custody OR the juvenile is the subject of an Order to Detain signed by a judge.
2. Obtaining an Order to Detain, if necessary
 - a. The police may obtain an Order to Detain (JD-JM-190) from any Superior Court Judge at any time of the day or night.
 - 1) The form is available on PRAWN or on the Internet at: ["https://www.jud.ct.gov/webforms/forms/JM190.pdf"](https://www.jud.ct.gov/webforms/forms/JM190.pdf) [https://www.jud.ct.gov/webforms/forms/JM190_17.pdf"](https://www.jud.ct.gov/webforms/forms/JM190_17.pdf).
3. An Order to Detain will only be signed if the judge reviewing the request finds the following.
 - a. Probable cause to believe that the juvenile has committed ~~the acts alleged a delinquent act, and~~ there is no less restrictive alternative available, and at least one of the following pertains.
 - 1) ~~There is probable cause to believe the juvenile will pose a risk to public safety if released to the community prior to the court hearing or disposition A strong probability that the child will run away prior to the court hearing or disposition (i.e. serious juvenile offense);-~~
 - 2) ~~There is a need to hold the juvenile to ensure the juvenile's appearance before the court as demonstrated by the juvenile's previous failure to respond to the court process A strong probability that the child will commit or attempt to commit other offenses injurious to the child or to the community prior to the court disposition;-~~

~~3) Probable cause to believe that the child's continued residence in the child's home pending disposition poses a risk to the child or the community because of the serious and dangerous nature of the act or acts the child is alleged to have committed.~~

4) 3) A need to hold the ~~child~~juvenile for another jurisdiction; OR,

~~5) A need to hold the child to assure the child's appearance before the court, in view of the child's previous failure to respond to the court process.~~

~~6) A finding by the court that the ~~child~~juvenile has violated one or more of the conditions of a suspended detention order.~~

4. In the case of a juvenile charged with a crime for whom a request for an Order to Detain is denied, but the juvenile cannot be released to a parent or guardian or some other suitable person or agency or a parent or guardian cannot be reached, a suitable person or agency cannot be identified, or the parent or guardian, agency or shelter refuses to take the juvenile, the officer must notify the DCF at 1-800-842-2288 and seek their assistance to place the juvenile into a Department of Children and Families facility or other suitable placement.
5. Duties prior to transfer to detention.
 - a. Officers should ascertain that the juvenile is not in need of immediate medical attention.
 - b. Officers should contact the detention facility to notify them that a juvenile is being transported to the facility.
 - c. The officer should notify the parent/legal guardian of the whereabouts of the juvenile, the nature of the charges, and the planned course of action. The officer's efforts to notify the parent/legal guardian, whether successful or not, should be noted in the officer's report.
 - d. The juvenile should be thoroughly searched for weapons, drugs, contraband and/or other items that may have evidentiary value or could endanger the staff or residents at the detention facility.
 - e. The officer should attach the Juvenile Summons and Complaint/Promise to Appear to the police report setting out the alleged conduct of the juvenile, and bring it with the juvenile to the juvenile detention facility. The Notice of Court Appearance and Promise to Appear sections of the form should be left blank. The police report must be signed and sworn.

L. Detention of Juvenile Arresteess Within the Department

1. Separation of juveniles from adult offenders.
 - a. Juveniles may only be held in secure areas within the police facility that are used exclusively for juveniles or where no adult prisoners are present. Such secure areas may include the following.
 - 1) Cells.
 - 2) Lockable rooms (exit restricted) – whether locked or not.

~~—Holding cages.~~

Commented [A1]: Isn't this the same as cell? Seems repetitive.

~~a.b.~~ No juveniles shall be placed in circumstances where they could have contact with adult offenders within the police station.

~~b.2)~~ Contact is defined as sight and sound contact or, in other words, where normal conversation can take place or overheard.

c. Separation must be complete. Haphazard or accidental contact is not permitted.

d. Any juvenile held in a secure area that is not used exclusively for juveniles shall be held in an area that is separate and apart from any adult detainee.

e. Juveniles ~~are to be~~ shall be monitored at all times while being detained.

f. Juveniles may be held in appropriate secure areas for a maximum of six (6) hours. The six-hour (6) period begins when the juvenile enters the secure area and does not end until the juvenile leaves the police station.

1) The time frame of six (6) hours is to allow for the limited purposes of identification, processing, interrogation, transfer to juvenile detention facilities or release to parents.

g. A juvenile may only be held for a maximum of eight (8) hours when:

1) An officer has submitted an Order to Detain affidavit and the judge has not yet ruled on the affidavit, OR

2) An officer has been unable to contact the juvenile's parent or guardian.

~~f.h.~~ If a juvenile arrestee is held for more than six (6) hours, the reason(s) as to why shall be documented in an incident report by an officer.

~~g.i.~~ Whenever any person under the age of eighteen (18) years is held in a secure area, it must be logged in the juvenile ~~log book~~ logbook. The following information must be included.

1) Name of juvenile.

2) Birth date.

3) Gender.

4) Race/ethnicity.

5) Most serious offense.

- 6) Secure area in which he/she is held.
- 7) Date and time into the secure area.
- 8) Date and time out of the police station.
- 9) Person or agency to which he/she is released.
- 10) Name of processing officer.
- 11) Signature of supervisor.

~~2. Removal of juveniles from police detention.~~

~~— Accused juvenile criminal offenders/juvenile arrestees may be held for up to six (6) hours to allow for the limited purposes of identification, processing, interrogation, transfer to juvenile detention facilities or release to parents.~~

~~a. —~~

~~b. Juveniles may only be held in secure areas within the police facility that are used exclusively for juveniles or where no adult prisoners are present. Such secure areas may include the following.~~

~~1) Cells.~~

~~2) Lockable rooms (exit restricted) — whether locked or not.~~

~~3) Holding cages.~~

~~4) Cuffing rails or chairs.~~

VI. PROCEDURES - Investigations

A. Custodial and Non-custodial Interview and Interrogation of a Juvenile as a Suspect During an Investigation

1. Notification of Rights – for juveniles under the age of sixteen (16).
 - a. A parent or legal guardian must be physically present during any interviews or questioning of the juvenile in custody.
 - b. The parent/legal guardian and juvenile must both be advised of the juvenile's rights.
 - c. A written waiver form shall be executed by the juvenile and parent/legal guardian.
 - d. If any of the above requirements are not met, questioning about the alleged offenses may not occur.

- e. For juveniles under the age of sixteen (16), it is a ***requirement for admissibility*** that a parent or guardian be physically present with the juvenile during the interview. It is not a right that may be waived even by agreement of the juvenile and parent/guardian.
- f. Notification of ~~R~~rights – for juveniles age sixteen (16) or seventeen (17), the officer must make a reasonable effort to contact a parent or guardian.
- g. The juvenile must be advised of his/her rights including the following.
 - 1) The right to contact a parent or guardian and to have them present during any interview.
 - 2) The right to retain counsel or, if unable to afford counsel, to have counsel appointed on their behalf.
 - 3) The right to remain silent and to refuse to make any statement.
 - 4) That any statement made by the juvenile may be used against them in court.
- h. If the juvenile waives any of these rights, the court will determine the admissibility of any admission, confession, or statement by considering the totality of the circumstances at the time of the making of the admission, confession or statement including the following.
 - 1) The age, experience, education, background, and intelligence of the juvenile.
 - 2) The capacity of the ~~child~~ juvenile to understand the advice concerning rights and warnings given, the nature of the privilege against self-incrimination, and the consequences of waiving such rights and privilege.
 - 3) The opportunity the ~~child~~ juvenile had to speak with a parent, guardian or some other suitable individual prior to or while making such admission, confession, or statements.
 - 4) The circumstances surrounding the making of the admission, confession, or statement, including, but not limited to the following.
 - a) When and where the admission, confession or statement was made.
 - b) The reasonableness of proceeding, or the need to proceed, without a parent or guardian present.
 - c) The reasonableness of efforts by the police or Juvenile Court official to attempt to contact a parent or guardian.
 - 5) A written waiver form should be executed by the juvenile and parent/legal guardian.

- 6) The above requirements do not apply to interviews with juveniles who are victims and/or witnesses. However, if during the interview the juvenile makes any incriminating remark, that remark will likely not be admissible in court against the juvenile unless a parent/legal guardian was present and both the juvenile and parent/legal guardian were previously advised of the juvenile's rights.
2. Need to re-advise.
 - a. If there is a gap of time between the advisement of rights and the taking of a statement, the court will consider various factors when determining if the juvenile and parent need to be advised again before the statement is taken. The factors include.
 - 1) The length of time that has passed between the initial warnings and the subsequent interrogation.
 - 2) Whether the warnings and interrogation occurred in the same location.
 - 3) Whether the officers who gave the warnings were the same as those who conducted the subsequent interview.
 - 4) Whether the subsequent interview concerned the same or new offenses and facts.
 - 5) The physical settings of the advisement and interviews.
 - 6) Whether the officer reminded the juvenile of his rights before resuming questioning.
 - 7) Whether the juvenile confirmed that he/she understood their rights or manifested an awareness of their rights.
 - 8) The apparent mental and emotional state of the juvenile.
 - 9) The juvenile's age, experience, education, background, and intelligence.
 - 10) Whether the juvenile has the capacity to understand the warnings given, the nature of their right to not incriminate themselves, and the consequences of waiving those rights.
 - b. If there is any doubt, the officer should re-advise the ~~child~~juvenile and parent of their rights.
 3. Personnel shall not use threats, abusive language, profanity or other vulgarities when questioning a juvenile.

4. The duration of the interview shall be as brief as possible to obtain the required information and, unless there are exceptional circumstances, the number of officers shall be limited to two (2) at any one time. Exceptional circumstances shall be reviewed at a supervisory level. Interviewers will take into consideration the juvenile's and parent/guardian's personal needs (bathroom, water, etc.) and be conducted in a manner consistent with the juvenile's age, maturity, level of educational achievement and experience.
- B. Photographs, Physical Descriptions and Fingerprints Requirement.
1. Any juvenile charged with a crime may be required to submit to the taking of his/her photograph, physical description and fingerprints.
 2. All identification materials should be labeled "juvenile" and be kept separate from adult identification materials.
- C. Working With Victims
1. Officers should ensure that victim information is complete and accurate and includes the victim's full name, address and contact information.
 2. Victims should be advised as to which court location the juvenile summons will be sent (as venue is determined by where a juvenile resides).
 3. Victims may also be referred to the Office of Victim Services at 800-822-8428.
 4. Confidentiality statutes preclude personnel from sharing juvenile information with the victim with the exception of the following (Connecticut General Statute § 46b-124).
 - a. The name and address of the childjuvenile.
 - b. The name and address of the childjuvenile's parents or guardian.
 - c. Any charges pending against the childjuvenile at the time that the victim requests such information that relate to such delinquent act.
 - d. Information pertaining to the disposition of the matter that relates to such delinquent act.
 - e. Any order entered by the court pertaining to the victim, including, but not limited to, any order of no contact between the childjuvenile and the victim.
 5. If the victim, or a representative of the victim such as a lawyer, investigator, insurance company, etc., requests information about a crime committed by a juvenile, the police should provide the requesting party with the officer's name, police case number and the telephone number of the juvenile court where the case was sent.

They can then contact the court with this information and the court shall provide whatever information they may be entitled to receive.

D. Confidentiality of Juvenile Records

1. Records of juvenile matters are confidential and may be inspected or disclosed only upon an order of the court and/or an exception as defined in State and/or Federal law.
2. Records and identification materials on juveniles shall be clearly labeled “Juvenile.”
3. Juvenile records shall be kept separate from adult records.
 - a. If a juvenile is apprehended in connection with the arrest of an adult, the report must be clearly identified as a juvenile record and identifying information on the juvenile removed from the adult record.
5. Exceptions to general confidentiality.
 - a. Records may be disclosed to and between individuals and agencies, and the employees of such agencies, involved in the delinquency proceedings or in providing services directly to the juvenile. Such agencies may include the following.
 - 1) Law enforcement officials.
 - 2) State and federal prosecutors.
 - 3) School officials.
 - 4) Adult and juvenile court officials.
 - 5) DCF.
 - 6) A court appointed victim’s advocate.
 - 7) The Office of Adult Probation.
 - 8) The Office of the Bail Commission.
 - 9) The Board of Parole.
 - 10) Agencies under contract with the Court Support Services Division, Judicial Branch.
 - 11) An attorney for the juvenile and his/her parent/guardian.
 - b. Officers shall be very careful when releasing information about juveniles and should do so only when satisfied regarding the identity, relationship and authority to receive information provided by the person making a request. When unsure

about releasing juvenile information, inquiries should be referred to the juvenile court where the matter is being heard.

c. Disclosure at school expulsion hearings.

1) With permission from the Chief of Police and the State Attorney's Office, officers may testify on an arrest at an expulsion hearing if requested to do so by the local or regional board of education, the impartial hearing board, the principal of the school, the student or his/her parent/guardian.

2) Officers who testify or provide information at such expulsion hearings should prepare for such testimony as they would prepare for a trial and answer any questions asked with specificity and accuracy to avoid giving any testimony which later could be used to discredit or impeach them at a subsequent trial in the juvenile or adult criminal court. Officers should also be careful that they do not compromise the integrity or chain of custody of any physical evidence they provide.

d. Special disclosure exceptions for the public.

1) The Department may disclose to the public the name, photograph and custody status of any juvenile arrested for the commission of a capital felony or class A felony.

6. Information concerning a juvenile who has escaped from a detention facility or from a facility to which he/she has been committed by the court or for whom an arrest warrant has been issued for the commission of a felony may be disclosed by law enforcement officials.

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 703.<u>54</u>
	Subject/Title: Evidence and Property Control		Issue Date: November 26, 2019
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: December 15, 2019
References/Attachments: Connecticut General Statutes § 54-36a, 53-278c, 54-36e, 54-36c, 54-36g, 54-36h, 54-36i, 21a-279a, 21a-267(d)(1), 21a-267(d)(2).		Review Date: Annually	Rescinds: 703.<u>43</u>
			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 handling of evidence and other property taken into possession by members of this Department.

II. POLICY

- A. All members of the East Haven Police Department shall handle evidence and other property with care, honesty and integrity.

III. DEFINITIONS

- A. **Physical Evidence:** Any physical item seized by a member of the Department in connection with a criminal investigation.
- B. **Evidence Room:** Secure rooms and areas designated for the storage of evidence/property until final disposition of the evidence or property.
- C. **Found Property:** Any item taken into possession by a member of this Department for safe keeping when the owner of said property is unknown or not available for the immediate return of said property.
- D. **Property Officer:** The officer(s) designated by the Chief of Police to manage the handling and securing of the evidence and property taken in by the Department.

- E. Temporary Evidence Room: The facility designated by the Department for the temporary storage of evidence and other property.

IV. PROCEDURES

- A. The officer who found or recovered property shall attempt to identify and notify the rightful owner of the said property when applicable.
- B. Evidence/property will initially be placed in the Temporary Evidence Room and subsequently transferred to the Evidence Room.
- C. Access to the Evidence Room
1. The Temporary Evidence Room can be accessed by officers to place items into evidence. The logging of items into evidence will be witnessed by a supervisor and recorded in the Law Enforcement Administration System (LEAS).
 2. All in-custody and evidentiary property will be stored within the Evidence Room. Entry to the Evidence Room will be restricted to the Property Officer(s). No other personnel are allowed access to the Evidence Room unless they are granted access and accompanied by the Property Officer.
- D. Non-Drug Evidence/Property
1. Officers taking possession of evidence/property from a person(s) shall issue that person a receipt when applicable for the evidence/property received. The names(s) of said person(s) shall be included in the officer's incident report.
 2. All evidence/property taken into possession by an officer for any reason will be brought to the Department and logged into the Temporary Evidence Room as soon as possible after taking possession of such property. Officers who take possession of any evidence/property shall log and place such property into the Temporary Evidence Room prior to the completion of their tour of duty.
 3. The officer receiving evidence/property shall do the following.
 - a. Fill out the necessary property receipt, and court forms if applicable.
 - b. Enter the property into LEAS under the property tab of the appropriate case number.
 - a. Package the evidence/property for storage using appropriate, tamper-evident storage/evidence bags and sealed with a barcoded evidence label printed from LEAS.
 4. The officer shall show the evidence/property and the completed forms to a supervisor prior to placing the evidence into the Temporary Evidence Room.
 5. The shift supervisor shall verify the evidence/property against the receipt and the officer who received the items shall place them in the Temporary Evidence Room.

6. Money, jewelry, firearms, and other items of value shall be secured in a designated evidence locker within the Temporary Evidence Room.
 7. In the event the property/evidence is too large for storage in the evidence locker/temporary evidence room, the shift supervisor may direct the officer to place it in another approved location. This provision is for non-drug property only. In some instances, it may be required to call in a Property Officer for access to additional secured areas.
 8. In the event that the evidence/property is hazardous, i.e. fireworks, flammable liquids/solids, the shift supervisor may contact the Property Officer to place it in the “open air” caged area.
 9. The receiving officer shall forward any documentation to the Records Division.
 10. Any weapon taken into custody for any reason will result in a COLLECT/NCIC inquiry being made to determine if it is stolen or wanted by any agency.
 11. Officers who take possession of evidence/property shall complete an incident report in accordance with Policies and Procedures # 303 – Incident Report and Review Procedures detailing the circumstances by which such property came into the Department’s possession and describing such property.
- E. Drug Evidence
1. All drugs and drug paraphernalia taken into possession by an officer for any reason will be brought immediately to the Department and logged into the Temporary Evidence Room unless exigent circumstances exist.
 - a. If an exigent circumstance exists, all drugs and drug paraphernalia taken into possession by the officer(s) shall be logged and placed into the Temporary Evidence Room prior to the completion of their tour of duty.
 2. The officer taking possession of drugs and/or drug paraphernalia shall complete the following:
 - a. The Inventory of Property Seized without Search Warrant or Inventory of Property Seized under Warrant depending upon the type of seizure.
 - b. Log the drugs and/or drug paraphernalia into LEAS under the property tab of the appropriate case number.
 - c. Field test or identify utilizing the Drug Bible or similar reference (unless unsafe to do so), weigh, and photograph all drugs prior to packaging to determine the drug type.

- d. Place the drugs and/or drug paraphernalia in appropriate, tamper-evident evidence/storage bags and sealed with a barcoded evidence label printed from LEAS.
 3. The shift supervisor will verify that all drugs are placed in the appropriate, tamper-evident evidence bag(s) and will witness the officer securing the drugs into the evidence locker within the Temporary Evidence Room.
 4. Officers who take possession of drugs and/or drug paraphernalia shall complete an incident report in accordance with Policies and Procedures # 303 – Incident Reporting and Review Procedures detailing the circumstances by which such property came into the Department’s possession and describing such property.
 5. The Property Officer(s) will be responsible for the following:
 - a. Transporting the drugs/paraphernalia to and from the State Laboratory when required.
 - b. Obtaining a receipt at the State Laboratory from the person taking possession of the evidence.
 - c. The property officer shall secure the drugs/paraphernalia in the Evidence Room and record any other transfers of property in the property function of LEAS.
 6. Seizure of Marijuana and Marijuana related drug paraphernalia
 - a. Any officer who issues an infraction for possession of marijuana (less than ½ ounce) in violation of Connecticut General Statute § 21a-279a or an infraction for possession of drug paraphernalia in connection with less than ½ ounce of marijuana in violation of Connecticut General Statutes § 21a-267(d)(1) and/or § 21a-267(d)(2), shall seize said marijuana or drug paraphernalia and transport it to the Department. The issuing officer shall field test, photograph, weigh, and log the marijuana into evidence; the drug paraphernalia shall be photographed and logged into evidence. An Inventory of Property Seized Without Search Warrant (JD-CR-18) shall be filled out, with the box “destroy” checked off. The property officers will be responsible for the destruction of the marijuana in accordance with state law.
- F. Property Officer
1. It shall be the responsibility of the Property Officer to inspect the Evidence Room, Evidence Locker and Temporary Evidence Room on a regular basis.
 - a. If such inspection reveals any discrepancies, the Property Officer shall immediately initiate an investigation and notify the Chief of Police.
 - 1) Upon completion of any such investigation, the Property Officer shall provide a written report to the Chief of Police with his/ her findings and any recommendations for either changes in policies and procedures and/or for further investigation involving and discrepancy by the Internal Affairs Officer (IAO).

- b. If no discrepancies are found, the Property Officer shall transfer all items to the Evidence Room.
 - c. The Property Officer shall record in the property function of LEAS the location of the evidence in the Evidence Room.
 - d. If items are to be returned to the owner within two (2) days, they may be placed in the Temporary Evidence Room.
 - e. Drugs, drug paraphernalia, money, weapons, jewelry, and other items of value will be stored in dedicated areas within the Evidence Room, which will remain secured
2. All seized property shall remain in the custody of the Department under the control of the Property Officer until a disposition order is received from a court having jurisdiction.
 3. If at any time the Property Officer notices any discrepancies in the records, missing property or evidence or property that shows signs of tampering, he or she shall notify his/ her commanding officer.
 - a. If personnel cannot immediately account for the discrepancies or locate the missing property, the commanding officer shall alert the Chief of Police and refer the matter to the IAO for investigation.
 4. All property held as found or secured by this Department for any other purpose shall remain in the custody of this Department until returned to a properly identified owner or other disposition is authorized by State statute.
 5. All evidence forms, receipts, and official documents relating to evidence and/or property in the custody of this Department will be maintained by the Property Officer in accordance with the applicable State statutes and this directive.
 6. State and Department forms used for the administration and accounting of evidence and property retained by this Department shall consist of, but not limited to the following.
 - a. State Form JD-CR-18 Property Seized Without A Search Warrant.
 - b. State Form JD-CR-52 Property Seized With A Search Warrant.
 - c. Property receipt form.
 - d. Returned property form.
 - e. Receipt for seized property/advisement of rights JD-CR-42.

G. Evidence Records Responsibilities

1. All property/evidence, whether seized, found, or held for safekeeping will be logged into the Temporary Evidence Room and documented on a JD-CR-18 or JD-CR-52 form.
2. All property/evidence received by the Department will be entered into the property file within the Department's computer system, LEAS. This file will provide an inventory and status of all property received and handled by the Department. It is the responsibility of the Shift Commander to ensure that all property received is properly logged into LEAS and placed into the Temporary Evidence Room.

H. Evidence Room Inspection/Audit

1. The Property Officer shall conduct an inspection of the Evidence Room semi-annually to ensure adherence to the procedures used for the control of property and evidence.
 - a. The Property Officer shall submit a written report to the Records Division's supervisor detailing the formal review.
2. As directed by the Chief of Police, a supervisor who does not oversee the Department's property and evidence function shall conduct an annual audit of the Evidence Room along with the Property Officer to ensure the physical and evidentiary integrity of property/evidence is maintained to the following standards.
 - a. Property is maintained consistent with Departmental policies and procedures.
 - b. Property that has no further evidentiary value, is unclaimed found property (held for a sufficient amount of time according to State statute) and/or has been released by the court is disposed of properly.
3. The personnel conducting the audit will submit a written report to the Chief of Police annually.
4. When a new Property Officer is named, he/she and the Records Division's supervisor shall perform an audit of the Evidence Room. The new Property Officer shall not assume his/her duties until any and all discrepancies are documented/resolved and reported to the Chief of Police.
 - a. Any discrepancies found in any audit and review will be referred to the IAO for possible investigation.
5. The Chief of Police or his/her designee shall conduct unannounced inspections of the Evidence Room at least once a year. Such personnel will be accompanied by the Property Officer.

I. Found Property

1. Found property or other property in custody of the Department, but not subject to court ordered disposition, shall be returned to any person or agency only when the Property Officer has verified the identity of the owner of the property.

2. The Property Officer will obtain a signed receipt or have the person electronically sign for the property returned.
3. The Property Officer shall deliver a copy of this receipt to the Records Division where it shall be inserted into the case file.
4. Any person requesting the return of property being held by the Department for any reason shall be referred to the Property Officer. In the absence of the Property Officer(s), a supervisor may return found property to their rightful owners after having the owner sign a returned property receipt (or have the person electronically sign).
5. If found property remains unclaimed and an owner cannot be identified, found property will be donated to charity, re-purposed for Department use and/or destroyed.

J. Evidence Subpoena to Court

1. Any officer requiring evidence for presentation in a court case shall advise the Property Officer of the time, date, case number, and item(s) of evidence required.
2. When any evidence is removed from the Evidence Room for presentation in court, the officer receiving same will sign a receipt to the Property Officer. In most instances, the Property Officer will transport the evidence for presentation at court.
3. The Property Officer will attach the receipt to the other documents and receipts concerning that particular evidence.
4. The Property Officer shall indicate on the property receipt to whom the evidence was released and for what purpose.
5. If the evidence is returned to the Department, the responsible officer shall return it directly to the Property Officer.
 - a. The Property Officer will sign a receipt to the officer.
 - b. A copy of this receipt will then be attached to the original case file, and the evidence will be logged into LEAS as evidence, and returned to the Temporary Evidence Room or Evidence Room.
6. In the event that the Property Officer is unavailable at the time of return to the Department, the shift supervisor will issue a receipt to the officer returning the property and follow the procedures for receiving evidence/property.
 - a. The supervisor shall enter it into the Temporary Evidence Room as described above.

K. Bicycles

1. Bicycles shall be processed like any other property, but shall be stored in the fenced impound area. In the event that a bicycle is received when the Property Officer is not present, bicycles shall be temporarily stored in the downstairs hallway and must be properly tagged and logged into LEAS.
2. Bicycles shall be properly identified by having a evidence tag with the case number attached to the bicycle.
3. The Property Officer shall transfer bicycle) to the fenced impound area or another appropriate evidence storage location.
4. Unclaimed bicycles may be donated to charity, re-purposed for Department use and/or destroyed.

L. Impounded Vehicles

1. When it is necessary to seize, impound, or otherwise take into Department possession any motor vehicle, the vehicle will be stored at the impound lot in the rear of the Department. The officer securing the vehicle shall ensure it is in a location that is being monitored by the Closed Circuit Television (CCTV) surveillance system.
1.a. Any motor vehicle may later be moved to an off-site impound lot or facility consistent with this Directive.
2. In the case of life threatening or fatal motor vehicle accidents, the vehicle(s) will be secured in the impound lot at the rear of the Department or an interior garage that is monitored by the Closed Circuit Television (CCTV) surveillance system. The vehicle shall be properly secured with evidence tape and an evidence tag.
3. At the conclusion of the inspection and/or evidence processing, the vehicle may be stored in the impound lot in the rear of the Department.
4. When such a vehicle is seized, impounded, or otherwise taken into Department custody, the shift supervisor will ensure that the vehicle is inventoried on the appropriate form, which will accompany the incident report (unless an exigent circumstance exists). The inventory shall include all areas of the vehicle and any compartments or containers which may contain personal property.
5. ~~If seized-impounded~~ as a result of a serious or fatal motor vehicle accident, the investigating officer may request an Department-authorized mechanic shall be allowed access, by the investigating officer, only as it relates to conducting to conduct a mechanical inspection as part of the investigation.

M. Transport of Seized Motor Vehicles to Off-Site Impound Lot

- a. Any vehicle seized by the Department shall be stored at the East Haven Police Department impound lot in the rear of the Department until officers complete the following:

1. Inventory the vehicle, in accordance with Policies and Procedures # 702 – Motor Vehicle Inventory.
 2. Process the vehicle for evidence, in accordance with Policies and Procedures # 442 – Evidence Collection and Preservation.
 3. Conduct a mechanical inspection (if applicable).
- b. If the vehicle is, or has the potential to be, connected to a criminal investigation, the Department’s Property Officer shall consult with the State’s Attorney’s Office to ensure no objection exists prior to transporting the vehicle to an off-site impound lot.
1. Once authorized, the Property Officer may initiate the vehicle’s transport.
- c. While transporting the vehicle, officers shall maintain chain of custody, to include the following:
1. Video recording while transporting the vehicle from the Department to the off-site impound lot.
 2. Securing the off-site impound lot after the vehicle is placed within.
 3. Ensure the Department’s ~~Closed Circuit Television (CCTV)~~ surveillance system is monitoring the vehicle.

M.N. Disposition of Property/Evidence

1. Property will be disposed of in accordance with instructions provided by compliance orders issued by a judge of the court or, as provided in the appropriate State statute(s).