


East Haven Police Department 	Type of Directive: Policies & Procedures		No. 411.54
	Subject/Title: Operation of Police Vehicles	Issue Date: <u>February 27, 2024</u> December 17, 2019	
		Effective Date: <u>March 5, 2024</u> January 15, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Policies and Procedures #: 403 Connecticut General Statutes § 14-283 Town of East Haven Vehicle Accident/Incident Reporting Policy & Procedures		Rescinds: 411.43	
		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 safe and proper operation of police vehicles by members of the Department.

II. POLICY

- A. It is the policy of the East Haven Police Department that its vehicles shall be operated in a manner that protects the public and in a careful, safe and prudent manner, obeying all laws and departmental orders pertaining to such operations.
- B. Officers shall exercise caution at all intersections and other high-risk locations even when operating in emergency mode with lights and siren activated.

III. DEFINITIONS

- A. Fleet Coordinator: An employee/member designated by the Chief of Police who is responsible for coordinating the equipping, stocking, maintenance and replacement of the Department's vehicles.
- B. Police Vehicle: For purposes of this directive, the term "police vehicle" shall refer to any and all vehicles that are maintained by the Department, to include all specialty vehicles that are marked as a police vehicle; this would include patrol cruisers, all police motorcycles, any clearly marked vans, SUV, and other vehicles.

- C. Specialty Vehicle: A motor vehicle intended for a specific purpose, such as a mobile command post, tactical team van, bomb unit vehicle, four-wheel ATV.
- D. Unmarked Vehicle: A departmental vehicle without visible paint, markings, and equipment that would make it easily identifiable as a police vehicle.

IV. GENERAL CONSIDERATIONS AND GUIDELINES

- A. Police vehicles are purchased and maintained for the purpose of delivering police services to the Town of East Haven.
- B. The Department is committed to maintaining agency vehicles to be safe, dependable, and professional in appearance. The Department's vehicles should be maintained with equipment and stocked with supplies so that members of the Department may effectively carry out their job functions.
- C. Members of the Department shall ensure the Department's vehicles are cleaned, fueled, and stocked with supplies; defects and damage to any vehicle shall be reported in a timely manner to an on-duty supervisor.
- D. Members of the Department must drive with due regard for the safety of others. Officers may pass through traffic controls in an emergency situation only after stopping or slowing down to the extent necessary for the safe operation of the vehicle. Officers may exceed the speed limit so long as they do not endanger life or property.
- E. The wearing of seatbelts by members of the Department and passengers can significantly improve survivability and reduce the severity of injuries in a crash. Seatbelts help operators maintain control of their vehicles during emergency driving and after a crash and are a critical component in the vehicles' occupant safety system.

V. PROCEDURES FOR THE OPERATION OF POLICE VEHICLES

- A. Authorization to Operate Police Vehicles
 - 1. Officers must have and maintain a current and valid Connecticut driver's license in order to operate a Department vehicle.
 - a. The Internal Affairs Officer (IAO) shall be responsible for conducting an internal audit on all members' licenses to ensure the validity of all operators' licenses.
 - b. Conviction of any motor vehicle charge or the loss or suspension of any driving privileges shall be immediately reported to the Chief of Police in writing through the chain of command.
- B. Use of Seat Belts
 - 1. As a prudent safety measure, all members of the Department are required to properly wear factory-installed seatbelts while operating or riding in any police vehicle.

2. Bypassing Safety Devices: Personnel shall not buckle the seatbelts behind the front seats of the vehicle in order to bypass or disengage the seatbelt warning signals. Such action also disengages other collision safety features of the vehicle, particularly the deployment of airbags. Therefore, rendering inoperable any of the other safety devices within the vehicle is strictly prohibited.

a. No officer shall modify, remove, deactivate, or otherwise tamper with the vehicle seat safety belts except for service, maintenance and repair, or with a factory approved seat belt extension.

2.b. Personnel who discover an inoperable restraint system shall report the defect to the Fleet Coordinator. The vehicle should not be used to transport any persons barring emergency circumstances.

3. Requirements for Non-Police Personnel: Whenever officers transport non-sworn personnel or members of the general public in a police vehicle, officers are required to make sure all passengers use seatbelts in the vehicle while the vehicle is being operated.

a. This requirement also pertains to any detainees who might be transported as a passenger in a marked or unmarked police vehicle. Rare exceptions may exist in which it is unsafe for officers to buckle arrestees without subjecting themselves to injury due to unruly/combatative arrestees. In those situations, the arrestee will not be buckled.

4. Children being transported in a police vehicle may be transported without a car seat only in an emergency situation, if car seats are not available. In any event, a child being transported in a police vehicle should not be left unattended by an adult, and should always have a seatbelt or car seat in use while the vehicle is in operation.

C. Police vehicles shall not be used for personal business or pleasure, unless designated by contract or approved by the Chief of Police or his/her designee.

D. Operation of Patrol Vehicles during Patrol

1. Under the normal circumstances of patrol, all traffic regulations shall be strictly adhered to and posted speed limits shall not be exceeded.

2. Operators shall avoid fast starts and the spinning of wheels, and at all times officers are expected to set a good example for the public to follow.

3. Operators shall take all necessary precautions in an effort to avoid accidents or injury to themselves or other users of the road.

4. Officers will not operate a police vehicle on any unpaved surfaces, except in the case of an emergency or if response is necessary to an unpaved location. This does not mean an established graveled or hard-surfaced driveway of some type made for the express purpose of motor vehicle use.

E. Emergency Operations of Police Vehicles

1. Police vehicles responding to calls or engaging in detective work shall be operated in either a routine, urgent or emergency mode. These modes are defined as
 - a. Routine: Non-life threatening or property damage producing incidents. i.e. shoplifting incidents, criminal investigation reports (not in progress), loud noise or disturbance calls, requests for service and other non-emergency calls. Routine responses involve no use of either emergency lights or siren. When an officer is operating in a routine mode, he or she shall obey all laws and ordinances pertaining to motor vehicle operations.
 - b. Urgent: Immediate response, though there is no imminent threat to life or property. Emergency lights/siren may be used intermittently at the officer's discretion (i.e. property damage accident with roadway blocked). Urgent responses involve the use of emergency lights. Unless emergency lights and siren are activated, the officer shall obey all laws and ordinances pertaining to routine (non-emergency) motor vehicle operations.
 - c. Emergency: An emergency situation exists, and there is an immediate threat to a person or property. Officer should respond with emergency lights and siren. When operating in or responding to an emergency assignment, the guidelines set forth in Policies and Procedure #403 - Response to Calls for Service shall be adhered to.

F. Transporting of Non-Police Personnel

1. Officers shall ensure that only authorized members of the Department drive or are transported in the Department's vehicles.
2. All other persons shall be transported in a police vehicle only when necessary to accomplish a proper police purpose. Such transportation shall be in conformance with departmental policies and procedures or at the direction of a supervisor.
3. Civilians may participate in ride-alongs in the Department's vehicles under the following conditions.
 - a. Permission of the Chief of Police or his/her designee.
 - b. Completion of a waiver of liability form signed by the person completing a ride-a-long.
 - c. Agreement of the officers providing the ride-a-long.

G. Security of Police Vehicles

1. Whenever a member of the Department is assigned use of a police vehicle, it is that member's responsibility to ensure that the vehicle is properly secured at all times.

2. Members of the Department shall be held responsible for the security of the vehicle and the equipment contained within it while the member has use of that vehicle.

H. Vehicle Condition and Inspections: Operators' Responsibilities

1. Prior to operating a police vehicle, normally at the beginning of a tour of duty, personnel must inspect the vehicle for damage and to ensure the vehicle's equipment is operating properly; personnel must check for cleanliness, presence of unauthorized articles, and adequate supplies.
 - a. In the case of an emergency, a vehicle inspection may be postponed until the emergency has passed, at which time an inspection shall be conducted.
 - b. The previous operator shall be responsible for any trash left in the vehicle and found during a pre-tour of duty inspection.
 - c. Prior to returning the vehicle, the operator should ensure that the vehicle is fueled and the interior of the vehicle is cleaned of any debris or other items not belonging in the vehicle.
2. Operators shall identify and report to the Fleet Coordinator any defective equipment, such as emergency lights and siren, head or taillights, [seat belts](#), directional signals, marker lights, auxiliary emergency lights, on-board computers, radios, radar, license plate readers, gun racks, scanners, etc. These shall be reported immediately after being discovered.
3. If any of the police vehicle's emergency equipment (i.e. lights, sirens, [seat belts](#), etc.) is discovered to be in need of repair or malfunctioning, the need for repair shall be documented in the Vehicle Maintenance Module of the Law Enforcement Administration System (LEAS) and taken out of service, absent exigent circumstances.
4. Body fenders, bumpers, glass, and tires shall be viewed for obvious signs of damage. Personnel shall notify their supervisor of any damage to vehicle or its operating equipment.
 - a. The supervisor shall initiate an investigation of any unexplained damage.
5. Vehicles used to transport detainees or arrestees shall be inspected for contraband and weapons prior to placing the detainee or arrestee in the vehicle and upon removal of said detainee or arrestee.
6. Operators should routinely make arrangements to have the vehicles they are operating washed and cleaned by designated car-wash vendors so as to maintain a professional appearance.
7. No body or paint modifications may be made without prior approval of the Chief of Police.

VI. PROCEDURES FOR EQUIPPING AND SUPPLYING POLICE VEHICLES

- A. Supplies carried in the police vehicles shall be periodically checked, replaced, and/or replenished as necessary by the Fleet Coordinator.
 - 1. Supplies for the police vehicles are stocked and stored in the Department's maintenance garage.
 - a. If stored supply quantities are low and need to be replenished, the Fleet Coordinator shall notify the Head of the Administration and Training Division (ATD) of the need for additional supplies.
 - b. The ATD shall then make the appropriate arrangements for the supplies to be ordered.
- B. All marked and unmarked patrol vehicles shall be equipped with emergency lights and a siren, and the following supplies and equipment.
 - 1. Marked Vehicles: All marked police vehicles intended for normal patrol should be equipped with the following supplies and equipment.
 - a. Gloves
 - b. Emergency Police Tape
 - c. Civilian Complaint/Commendation Forms
 - d. E-Ticket Printing Paper
 - 2. Unmarked Vehicles
 - a. All unmarked police vehicles intended for use by detectives should be equipped with the following supplies and equipment.
 - 1) Civilian Complaint/Commendation Forms
 - 2) Gloves
 - b. All unmarked police vehicles intended for use by command staff should be equipped with the following supplies and equipment.
 - 1) Civilian Complaint/Commendation Forms
 - c. All unmarked police vehicles intended for use as undercover units shall be equipped according to the needs of a specific operation, as directed by the Head of the Division utilizing the vehicle.
 - 3. Vehicles intended for use in special operations shall be equipped according to the direction of the Head of the Division utilizing the vehicle.
- C. Vehicle Disposal

1. When a police vehicle is to be disposed of through auction, trade-in, possession by an insurance company, or other means, the Fleet Coordinator shall:
 - a. Ensure that all loose supplies and equipment are removed from the vehicle.
 - b. Strip all retro-fitted equipment that is unique to public safety vehicles, such as two-way radios, emergency lights, prisoner cages, radio racks, MDT mounts, push bars, sirens, etc.

VII. PROCEDURES FOR THE MAINTENANCE OF POLICE VEHICLES

- A. Each time a police vehicle is brought to a repair facility for preventive maintenance, repairs, etc., the vehicle will be fully inspected by the Fleet Coordinator to ensure the following.
 1. Its operational readiness (emergency/warning lights, siren, spot lights, other vehicle lighting, etc.)
 2. All equipment assigned to the vehicle is present and ready for use.
 3. To record any damage to the vehicle that had not been previously recorded.
- B. Regular Maintenance: Regular scheduled maintenance, such as oil changes, state safety inspections, tire replacements, etc., shall be coordinated by the Fleet Coordinator.
- C. Routine mechanical and equipment problems
 1. When a tire is discovered to be flat, low on air, or damaged, arrangements should be made to have the tire changed, either by making arrangements through the Fleet Coordinator or through one of the Town's approved towing vendors.
 2. The vehicle's operator shall report mechanical and equipment problems to his/her supervisor, who will determine if the vehicle should be taken out of service. The officer shall notify the Fleet Coordinator of the condition so the problem(s) may be resolved.
 3. If, in the discretion of a supervisor, a condition exists making the vehicle unsafe, the supervisor shall order the vehicle taken out of service by having the vehicle towed by one of the town's approved towing vendors to the designated garage.
 4. If the vehicle cannot be left at the garage, the vehicle may be left at the police station.
 5. The supervisor ordering a vehicle to be taken out of service will communicate the status of the vehicle to the Fleet Coordinator who will be responsible for taking the appropriate follow-up action.
- D. Towing of Department Vehicles

1. If the vehicle is in the local area, towing will be arranged through one of the Town's approved towing vendors.
2. If the vehicle is outside the local area, the operator will notify the on-duty supervisor. The on-duty supervisor will determine if the Town's approved towing vendor's will be used or another towing vendor.

VIII. PROCEDURES FOR DAMAGE TO POLICE VEHICLES

- A. An on-duty supervisor shall initially investigate all collisions involving police vehicles regardless of the extent of the damage to either vehicle.
 1. It is the responsibility of the operator of a police vehicle to immediately report the accident/incident to his/her supervisor whenever there is a collision or damage to a police vehicle.
 2. Officers shall report immediately all damage and/or malfunctioning of the vehicle to their supervisors.
 3. The on-duty supervisor shall immediately go to the scene, begin an investigation, and report all particulars to the shift commander.
 4. The operator of the police vehicle involved shall submit a report to the investigating supervisor.
 5. In addition to completing, when required by law, the Connecticut Uniform Police Accident Report, the supervisor shall submit in writing the details of the events leading up to and during the collision in the Department Review (DR) reporting module of the Law Enforcement Administration System (LEAS).
 - a. The investigating supervisor along with the officer(s) involved in the accident/incident shall also comply with the Town of East Haven's Vehicle Accident/Incident Reporting Policy & Procedures.
- B. Collisions within the Town of East Haven
 1. When the collision involves a patrol officer, detective, or non-sworn members, the on-duty supervisor shall conduct the investigation.
 2. If the operator of the police vehicle is a supervisor the incident will be investigated by another supervisor, preferably of a higher rank, and reviewed by that higher-ranking officer's superior.
 3. The investigator shall conduct a thorough investigation of the crash and follow the steps laid forth in this directive.
 - a. The investigator shall complete the PR-1 form.
 - b. The investigator shall complete any additional forms required by the Town of East Haven.

- c. The names, addresses, dates of birth, extent of injury, and other pertinent identifying information shall be obtained for the all occupants of the involved vehicles, injured pedestrians/bicyclists, and other involved persons.
 - d. The extent of the damage to property and injuries to persons shall be recorded.
 - e. Photographs of the scene and damages should be taken.
 - f. All investigations of collisions involving a police vehicle will be done and thoroughly reviewed in a timely fashion.
 - g. The operator's supervisor shall compile all reports.
- C. In the event that a member of the Department is involved in a collision in East Haven that could result reasonably in criminal charges (i.e., vehicular homicide)
- 1. The shift commander shall notify the Heads of Patrol, the South Central Connecticut Traffic Unit (SCCTU), and the IAO.
 - 2. The SCCTU shall direct the investigation.
 - 3. The Shift Commander or the Head of SCCTU shall notify the Chief of Police.
 - 4. The Chief of Police may also opt to have the Connecticut State Police Collision Analysis and Reconstruction Squad assist the Department's investigators.
- D. Collision Outside the Town of East Haven
- 1. The operator shall follow all guidelines and procedures governing the reporting of damage to police vehicles.
 - 2. The supervisor of an officer or non-sworn member whose police vehicle is involved in a collision outside of the agency's jurisdiction shall notify the shift commander immediately.
 - a. The shift commander shall be responsible for notifying the appropriate agency having jurisdiction where the collision occurred.
 - 3. At the time of notification, the shift commander shall obtain information concerning the circumstances of the collision, to include whether there were any injuries and/or any extensive property damage.
 - 4. The collision should be investigated by the agency having jurisdiction.
 - a. In the event that agency refuses to investigate the collision, the employee involved shall immediately notify the shift commander of that decision.
 - b. The shift commander shall speak with the commanding officer on duty in that agency and ask him/her to cooperate with the Department's policy of having all


collisions fully investigated by the jurisdiction in which the incident has taken place.

- c. If the collision is not investigated by the agency having jurisdiction and a supervisor of this Department is unable to respond to the scene, the on-duty supervisor or shift commander will require the employee involved in the collision to do the following.
 - 1) Complete an incident report.
 - 2) Photograph the scene and damage to vehicles and/or property.
 - 3) Record the scene, including any damage, via his/her Body Worn Camera (BWC).
- d. If available, the IAO shall request a copy of the completed file from the investigating jurisdiction.
- 5. A supervisor should respond to the location of the incident, if feasible, or document why he/she cannot respond to the location of the incident.
 - a. The supervisor shall document the incident along with following the steps laid forth in this directive. All documentation will be completed in the DR reporting module.

IX. PROCEDURES FOR COLLISION REVIEW

- A. At each step in the investigations-reporting-review process the superior officer who receives a file shall ensure that the information and exhibits are as complete and accurate as they should be at that stage.
- B. The Chief of Police shall decide if any charges should be referred to the State's Attorney for criminal prosecution.
- C. The IAO shall recommend to the Chief of Police any internal action to be taken by the Department. The three major criteria for whether further action is required are:
 - 1. The member operated the vehicle in a safe and in professional manner and in accordance with Department policy and/or rules, as well as state statutes, and municipal ordinances or traffic regulations.
 - 2. The members did not operate the vehicle in a safe and professional manner, and in accordance with the Department's policy and/or rules, as well as state statutes, and municipal ordinances or traffic regulations.
 - 3. The behavior is part of a pattern identified through the Department's Early Intervention System.

- D. Remedial and Disciplinary Action: These guidelines are intended for members of the Department who are involved in what would be considered preventable collisions.
1. The desired result of any post-collision action is to modify personnel behavior to avoid future collisions. The IAO shall consider the totality of the circumstances of the incident resulting in the collision as well as any aggravating and mitigating factors when considering corrective action.
 2. Actions available to affect such behavior includes, but is not limited to:
 - a. Training.
 - b. Re-training.
 - c. A medical evaluation for a condition suspected of having a causal relationship to the collision.
 - d. Employee Assistance Program.
 - e. Disciplinary Action.
- E. Annual Review of Police Involved Collisions: At least annually, the IAO shall conduct review of all police involved collisions that took place during the preceding twelve months. The review will take the following factors into consideration:
1. Any discernible patterns, which may suggest any modifications to the Department's training program, modification to existing policies and procedures, or changes in any existing practices.
 2. A review of the driving history of the Department's members involved in collisions over the past three-year period to determine the frequency of collisions and/or any patterns stemming from prior collisions.
 3. Any recommendations required with respect to the Department's internal review of such collisions.
 4. The completed annual report will be forwarded to the Chief of Police and the Heads of the Patrol and Detective Divisions with any recommendations for further consideration and action.

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 414.98
	Subject/Title: Motorized Pursuits	Issue Date: January 30, 2024 <u>February 27, 2024</u>	
		Effective Date: February 15, 2024 <u>March 5, 2024</u>	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Policies and Procedures #: 404, 405, 407 Connecticut General Statutes § 14-283 and 14-283a		Rescinds: 414.7, <u>414.8</u>, <u>G.O. 2024-01</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 pursuit of motor vehicles, in accordance with the provisions of Connecticut General Statute § 14-283a.

II. POLICY

- A. It is the policy of the East Haven Police Department that no police officer shall initiate a vehicular pursuit unless the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur.
- B. It is the policy of the East Haven Police Department that supervisors shall be accountable for communicating with officers involved in a motorized pursuit and for the decision to terminate the pursuit when it exposes any officer, suspect, or member of the general public to any unnecessary risk of harm or injury.

III. DEFINITIONS

- A. Authorized Emergency Vehicle: A police vehicle equipped with operable emergency equipment, including audible siren and red/blue flashing lights, while such vehicle is being operated by a police officer.

- B. Boxing-In: The surrounding of a violator's moving vehicle with multiple police vehicles, which is then slowed to a stop along with the violator's vehicle.
- C. Communications: The East Haven Public Safety Communications Center (EHPSCC) and its personnel who are the central dispatch center for the Department.
- D. Crime of Violence: An offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of, injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.
- E. De Facto Pursuit: When an officer engages in pursuit without activating his/her emergency lights and sirens, which includes, but is not limited to, any of the following circumstances:
1. When an officer terminates a pursuit, but continues to follow the fleeing vehicle (trailing).
 2. In the event a suspect vehicle ~~within view~~ appears to be fleeing ~~(ex: unprovoked flight, increasing speed)~~, an officer ~~disregards traffic laws to continuously and for an extended period of time or distance~~ follows the vehicle without activating his/her emergency lights and/or sirens.
 - ~~2.a. This section shall not apply to officers that are coordinating a safe tactical plan to conduct a motor vehicle stop as soon as feasible and safe to do so, observing operation to determine suspected impairment from drugs and/or alcohol, or attempting to disburse unlawful gatherings of a large group of motor vehicles, motorcycles, or ATVs.~~
 3. Following a failure to stop incident, the officer intentionally continues to follow the suspect vehicle.
 - ~~3.4. In the event an officer is conducting surveillance in a non-patrol vehicle, his/her disobeying traffic laws without the use of emergency lights or sirens will not constitute a de facto pursuit. However, depending on the circumstances, he/she may still be in violation of other Department Policies & Procedures.~~
- F. Ghost Pursuit: When an officer engages in a vehicle pursuit without reporting the incident as a pursuit.
- ~~F-G.~~ Failure to Stop: After attempting a motor vehicle stop, the driver of a vehicle attempts to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle. Once recognizing the operator's intent on disobeying the officer's signal to stop, the officer promptly deactivates his lights and/or sirens instead of initiating a pursuit.

- G.H. GPS Launcher: A compressed air-launcher that is mounted on an authorized law enforcement vehicle and deploys a GPS projectile/tag that adheres to the suspect vehicle.
- H.I. Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road to otherwise come to a stop.
- I.J. Intervention Technique: Any device by its design used to reduce the risks or dangers associated with police pursuits that, when deployed and contact is made, will cause the fleeing vehicle to sustain flattened tires and force it to slow down.
- J.K. Primary Unit: The police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.
- K.L. Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.
- L.M. Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.
- M.N. Secondary Unit: Any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- N.O. StarChase: A real-time tagging and GPS tracking tool to reduce dangerous high-speed pursuits.
- O.P. StarChase GPS Tag: A device containing a small GPS module that is attached to a suspect vehicle with an industrial-strength adhesive compound.
- P.Q. StarChase Pursuit Management System (StarChase): A system which allows a police officer to remotely affix a GPS tracking device from an equipped police vehicle onto a suspect vehicle that is or suspected to flee.
- Q.R. Street Paralleling: Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.
- R.S. Supervisor: A sworn member designated by the Department to have supervisory control over the operation of the Department's vehicles during a pursuit.
- S.T. Tertiary Police Vehicle: Any police vehicle which supplements the primary or secondary police vehicle, however, is not active in the pursuit.

~~T.U.~~ Trailing: Continuing to follow a suspect vehicle after the termination of a pursuit.

~~U.V.~~ Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

~~V.W.~~ Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.

~~W.X.~~ Vehicle Tracking: Monitoring the movement of a motor vehicle via GPS without maintaining constant visual contact.

~~X.Y.~~ Violation: An offense which is not a crime, for which the only sentence authorized, is a fine and which is not expressly designated as an infraction. C.G.S. § 53a-27.

~~Y.Z.~~ Violator - Any person operating a motor vehicle whom a police officer reasonable believes has committed a violation or a crime as defined by Connecticut General Statutes, or poses an immediate threat to the safety of the public or other police officers

IV. PROCEDURES

A. Initiation of a Pursuit

1. A police officer may only engage another vehicle in a pursuit if the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur. The officer(s) must be able to articulate the exigent need to apprehend the driver or occupant(s) because of the potential harm or risk to the public.
2. Offenses that constitute infractions, property crimes to include stolen motor vehicles, non-violent misdemeanors and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances.
3. The officer(s) involved in the pursuit and their supervisor(s) shall continuously reassess the factors listed above to determine whether the pursuit shall continue or be terminated.
4. A pursuit shall not be undertaken, even if allowable by other provisions of this directive, unless and until the officer, based upon the information available to him/her at the time, shall make an objectively reasonable determination that the threat of imminent death or serious physical injury to the officer, the public or both, created by the pursuit is less than the immediate or potential danger to the public, should the suspect(s) or occupant(s) remain at large. A decision to engage in a pursuit shall be based upon the following.

- a. The underlying crime for which the operator or occupants are suspected of committing.
- b. Whether the identity of the operator or occupant is known and apprehension by other means is possible.
- c. The immediate danger to the public and the police officer(s) created by the pursuit is less than the immediate danger to the public should the occupants of the pursued vehicle remain at large.
- d. Location, speed, direction of other traffic, population density, type of vehicle being pursued and operators driving behaviors.
- e. Environmental factors such as, weather, time of the day, and visibility.
- f. The relative capabilities of the police vehicle(s) and the vehicle being pursued.
- g. Road conditions, including surface type, wet, icy, dry roadway. Road typography, traffic controls.
- h. The presence of other people in the police vehicle.
- i. Population density, vehicular and pedestrian traffic.

B. Pursuit Operations

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Connecticut General Statutes § 14-283a and 14-283.
2. Upon engaging in or entering into a pursuit, the pursuing officer shall activate his/her police vehicle's emergency lights and siren. An audible warning device shall be used during all such pursuits.
3. The pursuing officer shall immediately notify EHPSCC of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The police officer shall keep the EHPSCC updated on the pursuit.
4. EHPSCC personnel shall immediately notify any available supervisor of the agency or agencies involved in such pursuit, clear the radio channel of non-emergency traffic, enter the pursuit into the CAD system, and relay necessary information to other police officers of the involved police agency or agencies, and adjacent police agencies in whose directions the pursuit is proceeding.
5. When engaged in a pursuit, officers shall drive with due regard for the safety of persons and property.

- a. A police vehicle entering any intersection against traffic control signals or signs shall slow to safe speeds and be prepared to slow or stop to avoid any collision.
6. Unless circumstances dictate otherwise, a pursuit shall consist of no more than three (3) police vehicles, one of which shall be designated as the primary unit. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
7. The primary unit involved in the pursuit shall become secondary when the fleeing vehicle comes under police air surveillance or when another unit has been assigned primary responsibility.
8. Officers designated as the secondary unit during a pursuit shall:
 - a. Assist the primary unit during the motor vehicle pursuit.
 - b. Maintain a safe distance behind the primary unit.
 - c. Facilitate communications between the primary unit, the EHPSCC, and the supervisor.
 - d. Assist the primary unit with the apprehension and security of the suspect when the motor vehicle pursuit is completed.
 - e. Assume the role of the primary unit in the event the primary unit is unable to continue the motor vehicle pursuit; and at which time, the new primary unit shall evaluate the pursuit and determine if the pursuit should be terminated or continued.
 - f. Call for the termination of the pursuit if they feel circumstances exist that would necessitate termination.
- C. Supervisory Responsibilities
 1. When made aware of a pursuit, an on-duty supervisor shall evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit, and monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used.
 2. Such supervisor shall also have the authority to terminate the pursuit and/or intervention techniques.
 - a. When the supervisor communicates a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit.
 - b. The supervisor will confirm that all units have ceased the pursuit.
 3. When feasible, the on-duty supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

4. The supervisor shall complete a detailed report in the Law Enforcement Administration System (LEAS) Department Review (DR) reporting module prior to the end of their shift in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.

D. Pursuit Tactics

1. All police units in active pursuit shall space themselves at reasonable and safe distances to permit adequate braking and reaction times if any preceding vehicle stops, slows, turns, becomes disabled or collides with any vehicle or object.
2. Police officers not engaged in the pursuit as the primary or secondary unit shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
3. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit.
 - a. When an unmarked unit initiates a pursuit, the pursuit shall be taken over by a marked unit when one becomes available. The marked unit will be the primary unit.
 - b. The unmarked unit shall disengage altogether when an additional marked unit becomes available as the secondary unit.
3. Motorcycles may be used for a pursuit in exigent circumstances including, but not limited to, situations where a crime of violence has been committed, deadly force has been used by a vehicle occupant, or the pursuit is necessary to preserve a life, provided that weather and related conditions allow such pursuit to continue.
 - a. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.
4. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.

E. Stop Intervention Techniques

1. Officers may forcibly stop a suspect's vehicle during a pursuit under the circumstances of when the officer reasonably believes it is necessary to prevent immediate, imminent death or serious physical injury to himself/herself or others in accordance with Policies and Procedures # 404 – Use of Force, ~~and Policies and Procedures # 405 – Use of Deadly Force.~~
2. Forceful stops may only be utilized to apprehend one of the following persons after all reasonable alternatives have been exhausted or would be ineffective.
 - a. A dangerous fleeing felon - A person for whom there is reasonable cause to believe that the person has committed a violent felony involving an actual or threatened

attack which the police officer has reasonable cause to believe could or has resulted in death or serious physical injury.

- b. Any person who is operating a motor vehicle recklessly and in such a manner as to be reasonably likely to cause death or serious injury to any other person. The officer must be able to articulate the exigent need to apprehend the operator or occupant because of the potential harm or risk to the public.
3. Officers shall take into consideration that forcible stops usually present serious safety hazards to participants and any innocent persons who are present.
 - a. Intentional Collision of an Offending Vehicle.
 - 1) An intentional collision of an offending vehicle occurs when there is a deliberate contact between a police vehicle and a violator's vehicle, which is intended to cause the violator to spin or leave the roadway in a slow and controlled manner.
 - 2) When considering intentional collision of an offending vehicle, each police officer and supervisor must be aware that these actions may result in serious physical injury or death and may activate the vehicle airbags or fuel system shut-offs causing the police vehicle to become disabled.
 - 3) Intentional collision techniques may be utilized only when officers have received appropriate training in their use.
 - b. Roadblocks are prohibited unless specifically authorized by the supervisor in charge and only after considering the necessity of applying deadly physical force to end the pursuit; all other reasonable alternatives must be exhausted or believed to be ineffective.
 - 1) Roadblocks may be utilized only when officers have received appropriate training in their use.
 4. With permission from an on-duty supervisor, absent exigent circumstances, all other intervention techniques short of deadly force may be used when necessary and it is possible to do so in a safe manner and when the police officers utilizing them have received appropriate training in their use. Such techniques shall include, but not be limited to, boxing-in, and an intentional collision ~~of with~~ the offending vehicle, ~~and using controlled termination devices such as stop sticks.~~
 - a. Boxing-In.
 - 1) Boxing-in shall only be performed at relatively low speeds. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to police officers, the public and the occupants of the violator vehicle.

- 2) Boxing-in normally requires two or more police units to position themselves around the violator to form a box at low-speed pursuits. Once the fleeing vehicle is blocked, the police pursuit vehicles slowly and gradually reduce their speed, causing the violator to stop.
- 3) It must be anticipated that a violator may attempt to maneuver past the lead blocking vehicle or intentionally collide with it or one of the other blocking vehicles to move out of the box.
- 4) Boxing-in technique may be utilized only when officers have received appropriate training in its use.
5. Officers trained and authorized in the use of tire deflation devices (i.e. stop sticks, etc.) may deploy them to stop a suspect's vehicle ~~that is in~~ a pursuit or to prophylactically prevent a pursuit.
 - a. The officer deploying the tire deflation device will notify police vehicles involved ~~in the pursuit~~ that the tire deflation device is about to be deployed and the exact location of the device. Upon receipt of notification that tire deflation device is about to be deployed, officers involved will allow a sufficient distance between themselves and the suspect vehicle so as to avoid contact with the deflating device.
 - b. Officers deploying the tire deflation device should do so from a safe location off the edge of the roadway, or only when it is safe to enter the roadway.
 - c. The officer deploying the device will advise police vehicles involved when the tire deflation device has been deployed.
 - d. Tire deflation devices shall not be deployed to stop motorcycles, or other vehicles with less than four (4) wheels.
 - e. The use of tire deflation devices may be utilized only when officers have received appropriate training in their use.
 - f. Forced stop procedures utilizing the tire deflation devices must be reasonably and properly applied by officers who have received appropriate training in their use and have received authorization from their supervisor.
 - 1) Prior authorization shall not be required in exigent circumstances involving a rapidly evolving commission of a violent crime, requiring the officer to take immediate action.
6. Prior to attempting a motor vehicle stop or after stopping a motor vehicle, situations may arise where an officer reasonably believes that the operator may attempt to ~~;~~ escape, elude law enforcement or otherwise initiate a pursuit.
 - a. Officers may consider a prophylactic measure, thereby preventing the engagement in a pursuit by utilizing tire deflation devices. The officer employing such measures will comply with all additional requirements under this Directive.

~~—If it is apparent, after successful deployment of a pursuit prevention device, that the vehicle has or will become disabled due to the pursuit prevention devices or other articulable circumstances, officers may continue to trail after receiving approval from a supervisor. ; With approval from a supervisor, an officer may continue to follow a fleeing vehicle while obeying traffic laws if it's apparent the vehicle has become disabled due to pursuit prevention devices or other articulable mechanical circumstances.~~

b.

1) This continuation shall not constitute a De Facto Pursuit.

F. StarChase Vehicle Tracking

1. The StarChase Pursuit Management System (StarChase) may only be used for legitimate law enforcement purposes by trained officers.
 - a. StarChase equipment shall only be used when a vehicle:
 - 1) Is wanted in connection to a known felony crime or a crime of violence (e.g., stolen vehicle, robbery, burglary, etc.).
 - 2) When the suspect vehicle attempts to leave the scene of a lawful motor vehicle stop.
 - 3) If probable cause exists that the suspect vehicle is involved in a crime in progress.
2. Officers shall not deploy the StarChase equipment under any of the following conditions:
 - a. The vehicle is unoccupied and a search warrant has not been obtained unless there is reasonable and articulable suspicion that a suspect is about to immediately re-enter the vehicle and flee.
 - b. The vehicle has fewer than four tires/wheels (e.g., motorcycle, moped, etc.).
 - c. The vehicle has a damaged or missing rear ~~window~~ windshield, or the occupants are exposed (ex: convertible, ATV, etc.).
 - d. A prisoner is in the Department patrol vehicle.
 - e. Weather prevents StarChase equipment efficacy, such as heavy rain or winds.
 - f. Pedestrians are between or very near the suspect vehicle and the StarChase equipped vehicle.
3. Officers shall use their own judgement as to whether to affix a StarChase tag upon a vehicle actively engaged in a criminal investigation and shall seek prior approval from a supervisor whenever feasible.

4. The StarChase equipment can only be deployed in pursuits if the lead vehicle is equipped with the device.
5. The officer shall consider the following when deciding whether to deploy the StarChase tag:
 - a. Is it safe to maneuver close enough to the suspect vehicle to come within targeting range?
 - b. Do any circumstances indicate the device would not work (e.g., weather conditions, suspect vehicle weaving)?
6. StarChase tags will be deployed in accordance with training. Once the StarChase tag has been successfully deployed, tracking vehicles shall:
 - a. Significantly increase their following distance.
 - b. Evaluate the circumstances and conditions of the pursuit, if one was initiated, to determine if it shall be terminated.
 - c. Indicate over the radio and to EHPSCC that an activation occurred and provide a description of the vehicle and the offender.
7. Once the device is successfully deployed, all pursuing vehicles shall cease pursuit of the tagged vehicle, unless approved by a supervisor. ~~Officers may continue to follow the vehicle while obeying all traffic laws.~~
8. EHPSCC and/or the supervisor shall utilize the StarChase monitoring software to provide speed, direction, and location updates on the fleeing vehicle.
 - a. Officers shall not view the Coreview mapping system while operating a Department vehicle.
9. The on-duty supervisor shall coordinate and direct deployment to safely apprehend the suspect.
10. The device must be removed from the tagged vehicle once the scene is safe. When possible, the device should not be removed in the presence of the public or other non-law enforcement individuals.
11. Officers shall complete an incident report for all StarChase deployments. The report shall include, but is not limited to, the following:
 - a. The circumstances of the deployment, including the underlying crime committed.
 - b. Whether an apprehension was made.
 - c. Whether the vehicle was located.

d. Whether the tag was removed.

~~e.~~ Any damage to the vehicle caused by the tag deployment.

~~e.~~

G. Use of Firearms

1. Officers engaged in a pursuit shall not discharge his/her firearm from, or at a moving vehicle or its occupants, unless the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.
 - a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.
 - 1) Officers shall not intentionally place themselves in the path of or reach inside a fleeing vehicle.
 - b. Whenever possible, the involved officer should make an effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

G. Termination of the Pursuit

~~1.~~ The police officer(s) engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever they reasonably believe the risks associated with the continued pursuit are greater than the public safety benefit or making an immediate apprehension.

~~1.~~

~~2. The pursuit may be terminated by any officer actively engaged in the pursuit.~~

~~3.~~ 2. Any supervisor, regardless of rank, has the authority to order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need for immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.

- a. In the event that all on duty supervisors are of equal rank, the supervisor assigned as the desk supervisor shall have the primary authority to terminate the pursuit.

3. A pursuit shall be terminated in the event all criteria are met:

- a. The identity of the occupants has been determined.
- b. Immediate apprehension is not necessary to protect the public or police officers.

c. Apprehension at a later time is feasible.

~~e.~~

4. A pursuit shall be terminated when the police officers are prevented from communicating with their supervisors, the EHPSCC, or other police officers.
5. A pursuit shall be terminated if the police officer knows or is reasonably certain that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.
6. No officers or supervisor shall be disciplined for a decision not to engage or disengage from ~~in~~ a vehicle pursuit based on the risk involved even in circumstances where this directive would permit the commencement or the continuation of the pursuit.
7. When a pursuit is terminated or a failure to stop incident occurs, involved officer(s) shall immediately:
 - a. Turn off emergency lights and sirens.
 - b. Reduce speed and comply with all traffic laws until it is safe to:
 - 1) Pull to the right side of the road and stop or
 - 2) Turn and drive in the opposite direction or
 - 3) If on an interstate highway, take the nearest exit and return to Town.
 - c. Verbally acknowledge that the pursuit has been terminated and the exact location of termination to EHPSCC and/or an on-duty supervisor.
 - d. Provide a description of the suspect vehicle and last known direction of travel.
8. Following the termination of a pursuit, the on-duty supervisor shall conduct roll call of all involved officers.
9. In the event a failure to stop or pursuit is terminated and it's apparent the vehicle has ~~become or will become~~ disabled due to the pursuit prevention devices or other articulable mechanical circumstances, ~~officers may continue to follow while obeying traffic laws (e.g., trailing) after receiving approval from a supervisor. officers may continue to trail after receiving approval from a supervisor.~~
 - a. ~~Based on compliance with traffic laws, t~~This continuation shall~~would~~ not constitute a De Facto Pursuit.

H. Inter-Jurisdictional Pursuits

1. The pursuing police officer (primary unit) shall notify the EHPSCC when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility or cross the state line.
 - a. The EHPSCC shall immediately notify the police agency responsible for such area.

2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.
3. When a pursuit enters into another jurisdiction, the EHPSCC shall, as soon as practical, provide the police agency responsible for such area with all the available information pertinent to the pursuit, including but limited to:
 - a. The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed.
 - b. Location, speed, and direction of travel.
 - c. Vehicle and occupant(s) description.
 - d. The number of vehicles and agencies involved in the pursuit.
 - e. Whether assistance is requested/needed or not.
 - f. Other available information as to the conditions of the pursuit.
 - g. The EHPSCC will notify the other jurisdiction whether or not a pursuit has been terminated or is leaving their jurisdiction.
4. If a pursuit enters the Town of East Haven, the on-duty supervisor shall determine if assistance is necessary, and officers shall not join the outside pursuit unless:
 - a. Directed to do by the on-duty supervisor.
 - b. The involved pursuit unit is unable to request assistance.
 - c. The situation demands immediate assistance.
5. The supervisors of the respective police agencies involved in a pursuit shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit.
6. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit.
 - a. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.
7. In all cases where the pursuit enters a municipality without a regularly organized police department, the EHPSCC shall notify the State Police Troop that is responsible for that area.

8. Officers operating a Department emergency vehicle shall become involved in an actual pursuit originating outside the Town of East Haven only at the direction of his/her supervisor or other ranking officer.
 - a. Such pursuits will only be undertaken to protect the public and officers from the threat of serious physical injury or death.
 9. Officers may not join a pursuit that enters East Haven from another jurisdiction without permission of a supervisor.
 10. If an officer from this Department is involved in a pursuit, they may, at their discretion, choose to terminate their involvement in the pursuit at any time.
 11. If an officer from this Department assists another agency in pursuit, and the assisted agency terminates the pursuit, he/she shall terminate the pursuit.
- I. Notifications
1. When death, injury, or property damage are the results of a pursuit, the on-duty supervisor shall notify the Head of Patrol immediately.
 2. When death, serious injuries, or major property damage is the result of the pursuit, the Head of Patrol shall contact the Chief of Police immediately.
- J. Arrests
1. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to take occupants into custody.
- K. Accident Investigation
1. The shift commander or patrol supervisor shall investigate an accident that is the result of a pursuit.
 - a. They shall have the responsibility of investigating these incidents and their findings shall be reported to the Head of Patrol.
 2. The shift commander shall notify and request that the Department's regional accident re- construction team, the South Central Connecticut Traffic Unit (SCCTU), report to the scene of any accident that is the result of a pursuit in which any party involved is deceased or critically injured.
 - a. The SCCTU shall have the responsibility of investigating these incidents and their findings shall be reported to the Head of Patrol.
 - b. The SCCTU Commander or supervisor on scene may decide after conferring with the chain of command that a serious injury or fatal accident caused by a pursuit would be better served being investigated by a third party outside law enforcement agency. In that event, the SCCTU will assist that agency in anything they need to conduct the investigation.

3. The Office of the State's Attorney shall be notified of all accidents involving a serious injury and/or a fatality.

L. After-Pursuit Reporting

1. Whenever a police officer engages or is involved in a pursuit, the police officer shall complete an incident report and an Officer Use of Force Report describing the circumstances.
 - a. The officer's supervisor shall review the reports to determine if departmental policies have been complied with and to detect and correct any training deficiencies.
 - b. The Use of Force reporting protocol described in Policies and Procedures # 407 – Force Investigations and Review shall be followed.

M. Police Vehicle Inspection

1. Upon termination of the pursuit, any vehicle which is suspected to have suffered damage in a pursuit shall immediately be removed from service for inspection.
 - a. Upon the completion of the inspection, the police vehicle will be returned to service if the police vehicle has been deemed to be roadworthy.
 - b. If the inspection reveals that the police vehicle is not roadworthy, the necessary repairs will be completed accordingly.

N. Pursuit Review

1. The Department shall periodically analyze its police pursuit activity and identify any additions, deletions, or modifications warranted in the Department's pursuit procedures. The Head of Patrol or his/her designee shall complete a documented annual review of the pursuit policies and reporting procedures.
2. The Head of Patrol or his/her designee shall conduct and submit a documented annual analysis of vehicular pursuits of the previous year to the Office of the Chief of Police. The annual analysis as approved by the Chief of Police shall, at minimum, contain the following information.
 - a. Total number of pursuits.
 - b. Number of pursuits which resulted in accidents, injuries, death and number of arrests.
 - c. The number and types of vehicles involved in accidents.
 - d. A description of the individuals injured or killed (police, violator, third party).
 - e. The number of violators involved and arrested in pursuit incidents, including passengers.

- f. Number of offenses charged.
 - g. Demographics of the offender(s), if known.
 - h. Noticeable trends.
 - i. A review of policy and reporting procedures pertaining to vehicular pursuits.
- 3. In accordance with Sections 14-283a-1 to 14-283a-4, inclusive, and Section 14-283a of the Connecticut General Statutes, the Chief of Police or his/her designee shall submit an annual report, not later than January 31st of the proceeding year, to the Connecticut Police Officers Standards and Training Council (CT POST) regarding pursuits by police officers on the standardized form developed and promulgated by POST.
 - 4. The Department shall report its involvement in all pursuits to CT POST on the designated reporting form indicating whether the Department was the initiating agency or a secondary unit.
- O. Vehicle Pursuit Training
- 1. Police officers who drive police vehicles shall be given initial training in the agency's pursuit policy and in safe driving tactics. A documented annual review of this Directive shall be completed by all sworn personnel. The provisions of Sections 14- 283a-1 to 14-283a-4 shall be a part of the curriculum for all police basic recruit-training and re-certification programs in Connecticut.
 - 2. Pursuit Training Programs shall consist of:
 - a. Knowledge of applicable statutes.
 - b. Court decisions impacting police pursuits.
 - c. Department policy and procedures.
 - d. Supervisory and individual responsibilities in a police pursuit.
 - e. Reporting requirements.
 - f. Inter-jurisdictional considerations.
 - g. Pursuit driving skills and techniques.

DRAFT

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 415.98
	Subject/Title: Domestic Violence	Issue Date: <u>February 27, 2024</u> October 30, 2023	
		Effective Date: <u>March 5, 2024</u> November 15, 2023	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: Policies & Procedures #: 303, 416, 424, 441 Connecticut General Statutes § <u>53a-217, 53a-217c</u> , 46b-38a, § 46b-38b, § 10-10g, § 29-38c and § 17a-22r Connecticut Public Act: 22-145 Federal Violence Against Women Act (VAWA)		Rescinds: 415.87	
		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 response to domestic violence complaints.

II. POLICY

- A. It is the policy of the East Haven Police Department (EHPD) that officers treat domestic violence as violent criminal behavior and that officers comply fully with the State of Connecticut Family Violence Prevention and Response Act.
- B. It is the policy of the Department that officers shall make arrest decisions in domestic violence cases in accordance with traditional probable cause standards and existing state statutes.
- C. Officers shall protect victims of domestic violence and provide them with relevant information regarding the availability of community services and support.

III. DEFINITIONS

- A. **Advocacy:** Characterizes the work of a certified domestic violence advocate, working for a designated domestic violence organization who is working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach.

- B. Child and Family Advocate: A person who is working within and supervised by a domestic violence organization whose primary role is to provide services, support and advocacy to sheltered and non-sheltered child, adolescent and teen victims of domestic violence and their families.
- C. Dominant Aggressor: The person who poses the most serious ongoing threat in a situation involving the suspected commission of a domestic violence crime.
- D. Family or household member: Any of the following persons regardless of the age of such person as defined in Connecticut General Statute (CGS) § 46b-38a(2).
1. Spouses or former spouses.
 2. Parents or their children.
 3. Persons related by blood or marriage.
 4. Persons who have a child in common regardless of whether they have been married or have lived together at any time.
 5. Persons in, or have recently been, in a dating relationship.
 6. Persons presently residing together or who have resided together.
 - a. This does not include persons who are attending an institution of higher education and presently residing together in on-campus housing or in off-campus housing that is owned, managed, or operated by the institution of higher education or its agent, provided such persons are not family or household members (PA 19-189).
 - b. This also does not include persons presently residing in a dwelling unit, as defined in CGS § 47a-1, and making payments pursuant to a rental agreement provided such persons are not family or household members (PA 19-189).
- E. Domestic Violence: An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical injury, bodily injury or assault, including, but not limited to stalking or a pattern of threatening, between family or household members. The term “domestic violence” and “family violence” are synonymous and shall be deemed to mean the same thing when the terms are referenced in any of the Department’s policies and procedures and/or Connecticut General Statutes.
1. Verbal abuse or argument does not constitute domestic violence unless there is present danger and the likelihood that physical violence will occur in accordance with CGS § 46b-38a(1).
 2. A domestic violence crime refers to a crime as defined in CGS § 53a-24, other than a delinquent act as defined in CGS § 46b-120, which, in addition to its other elements, contains an element thereof an act of domestic violence to a family or household member. A domestic violence crime does not include acts by parents or guardians

disciplining minor children unless such acts constitute abuse in accordance with CGS § 46b-38a(3).

- F. Family Violence Victim Advocate - FVVA: A person who is employed by and under the control of a direct service supervisor of a domestic violence agency; who has undergone a minimum of twenty (20) hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence; who is certified as a counselor by the domestic violence agency that provided such training; and whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.
- G. Possess: To have physical possession or otherwise to exercise dominion or control over tangible property (CGS § 53a-3(2)).
- H. Safety Plan: A plan developed between an advocate/counselor or a police officer and a victim that contains specific activities for a victim to be safe from an offender. Safety planning is an essential step to be completed with all survivors of domestic violence. It allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser. Appropriate Safety Planning is also important for child survivors/witnesses of domestic violence.
1. A Short-Term Safety Plan is an immediate plan developed at the time of the report. A responding police officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to the following.
 - a. Ensuring that the victim and any children have the ability to call 9-1-1.
 - b. Ensuring that the victim can get to a safe location.
 - c. Calling a friend, family member or advocate for support.
 - d. Going to a safe place for the night.
 - e. Creating a plan as to what to do next.
 2. A Long-Term Safety Plan is a plan developed with an advocate which allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser.
- I. Self-Defense: The State of Connecticut recognizes the use of physical force upon another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances. CGS § 53a-19 is applicable in the context of domestic violence crime and addresses such circumstances.

1. This statute provides in part that a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he/she reasonably believes to be the imminent use of physical force, and he/she may use such degree of force which he/she reasonably believes to be necessary for such purpose.
 2. There are, of course, exceptions to the use of such physical force in defense of a person. For example, “a person is not justified in using physical force when he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling . . .”
 - a. Essentially, the statute requires that, before a person uses physical force in self-defense or to defend a third person, he or she must have two "reasonable beliefs."
 - 1) The first is a reasonable belief that physical force is being used or about to be used upon themselves or another.
 - 2) The second is a reasonable belief that the degree of force they are using to defend themselves is necessary for that purpose.
- J. Trauma Informed Care: Pursuant to CGS § 46b-38b(f), police officers and domestic violence intervention unit counselors must inform domestic violence victims of services available, including providing the victims with contact information for a regional domestic violence organization that employs, or provides referrals to, counselors who are trained to provide trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on a person. The Act adds that the services be delivered by a regional domestic violence organization that employs or provides referrals to counselors who:
1. Make available to domestic violence resources on trauma exposure and its impact on treatment.
 2. Engage in efforts to strengthen the resilience and protective factors of victims of domestic violence who are affected by and vulnerable to trauma.
 3. Emphasize continuity of care and collaboration among organizations that provide services to children.
 4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.
- K. ORDERS OF PROTECTION (OOP)
1. Conditions of Release Order – A conditions of release order is an order issued for family violence and should be set by Law Enforcement or Bail Commissioner upon release from custody, and remains in effect until the arrested person has been presented before the Superior Court (CGS § 54-63c(b)). For Law Enforcement specifically, in addition to completing the JD-CR-146, the on-duty supervisor shall ensure that the conditions and restrictions are entered into COLLECT and NCIC as a File 20 with restrictions.

2. Ex-Parte Restraining Order – An ex-parte restraining order is an order issued by the family court when someone has completed the restraining order application. The judge has reviewed the application and affidavit, and issues a temporary ex parte restraining order. A hearing date is scheduled and the respondent must be notified. Generally speaking, this order is good for fourteen (14) days or until the date of the hearing (hearings can be scheduled before the fourteen (14) day time limit).
3. Restraining Order - A restraining order is issued by a judge of the civil court against a person who is a family or household member, usually after a hearing, but the court may issue the order immediately upon application by the victim as an “ex parte” order to remain in effect until the hearing. In the restraining order, the judge can order the abuser not to hurt or harass the victim. The judge may also order the abuser to move out of the home and order the victim to have temporary custody of the children.
4. Protective Order - A protective order is issued by a criminal court judge and is directed against a defendant who has been arrested for a domestic violence crime or whenever a protective order is an appropriate remedy in a criminal case.
 - a. In a domestic violence case, the family violence intervention unit makes a recommendation to the prosecutor who then asks the judge to issue the order.
 - b. The defendant or the attorney representing the defendant can argue against the order being issued. The victim or a family violence victim advocate may also address the court regarding whether the order should be issued.
 - c. The judge will make the final decision after hearing from the parties involved. If the order is issued, the order will be made a condition of the defendant's release.
 - d. Pursuant to CGS § 53a-223, no person who is listed as a protected person in any order of protection may be liable for:
 - 1) Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or
 - 2) Conspiracy to violate such order.
5. Standing Criminal Protective Order – A standing criminal protective order is an order of protection issued by a criminal court judge at the time of an offender’s sentencing. These orders can remain in effect for a significant duration of time – previously known as a Standing Criminal Restraining Order prior to October 1, 2010 with no expiration date.
 - a. This order type is generally issued when it is a more severe criminal case.
 - b. A person is guilty of criminal violation of a standing criminal protective order when an order issued pursuant to subsection (a) of section 53a-40e has been issued against such person, and such person violates such order.

6. Foreign Order of Protection – A foreign order of protection means any protection order, as defined in 18 USC § 2266, a restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.
7. Civil Protection Order – A civil protection order means any protection issued by a civil court to protect an applicant who has been the victim of stalking, sexual assault and/or sexual abuse that is not related to family or domestic violence.
8. The comparison orders of protection chart can be found in Appendix A of this directive.

IV. PROCEDURES

- A. The East Haven Public Safety Communications Center (EHPSCC) personnel, upon receipt of a call for service involving domestic violence, shall do the following.
 1. Dispatch unit(s) to the scene.
 2. Check the Connecticut Protective Order Registry – File 20 and relay any information to the responding officer.
 3. Attempt to obtain, record, and relay to the responding officer(s) the following information.
 - a. The caller's name and relationship to the offender.
 - b. The victim's name and the offender's name, and their relationship to each other.
 - c. The nature of the abuse, or suspected or sustained injuries.
 - d. Previous complaint history.
 - e. Whether a court order of protection is in place.
 - f. Whether the victim has a current order of protection.
 - g. Whether children are involved.
 - h. Whether there is a presence of alcohol, drugs, or mental illness.
 - i. Whether weapons were implied, involved and/or present.
 - j. EHPSCC personnel or a sworn member of the Department shall provide domestic violence victims with the incident case number and contact information for the Department, in order to allow them to obtain periodic updates as to the offender's incarceration status. EHPSCC personnel shall assist domestic violence victims who make such inquiries as to the defendants who remained incarcerated at the Department.

B. Responding Officers and On-scene Investigative Procedures

1. Treat all domestic violence calls as potentially "high risk." When possible briefly listen at the door and observe the involved parties through a window prior to entry. This may assist in the determination of the existence of probable cause for arrest.
2. Force entry when necessary. An officer may force entry into a premise when the officer reasonably believes an occupant is in need of immediate medical attention or is in danger of suffering physical injury, and after complying with the knock and announce rule in the absence of imminent peril.
3. Ask who is present in the household and for all to come forward.
4. Ask whether there are firearms in the house.
5. Assess and define the nature of the incident by talking to parties separately, where it is safe and practical, and not in view of one another.
6. If informed that the perpetrator of domestic violence is in possession of firearms, electronic defense weapons, and/or ammunition, then officers may seize such items to help ensure the safety of potential victims.
7. Assist the victim(s) in obtaining medical treatment, if required/needed. (CGS § 46b-38b(f)).
8. Ask if children are present and complete the following as necessary.
 - a. Ensure the safety of children and determine whether they need medical attention.
 - b. Interview children as witnesses.
 - c. Provide the victim a copy of documents concerning behavioral and mental health evaluation and treatment resources available to children, developed pursuant to CGS § 17a-22r.
 - d. Consider a trauma informed (forensic interview) when necessary.
 - e. When possible and appropriate, work cooperatively with the Child and Family Advocate at the regional domestic violence provider or other mental health and child welfare agencies to identify opportunities to provide collaborative child-specific trauma informed services, establish a response at the scene of a domestic violence incident and develop strategies that measure impact.
 - f. When Appropriate, consider utilizing the Emergency Mobile Psychiatric Services (EMPS) at the scene by calling 211.
 - g. Make arrangements for care, if dual custodial arrests are made.

- h. If child abuse and/or neglect is suspected, report to Department of Children and Families (DCF) by phone (CGS § 17a-101b) and complete Form DCF-136 (CGS § 17a-101(c)).
 - i. Do not use children to serve as an interpreter for the adult unless there is an immediate emergency and only until an Authorized Interpreter can respond to the scene.
9. Identify the relationship between the victim(s) and the accused to determine family and/or household member status.
10. When complaints of domestic violence are made by two (2) or more opposing persons, officers are not required to arrest both persons. Officers shall evaluate each complaint separately to determine which person is the dominant aggressor (CGS § 46b-38a(b) as amended by PA 18-5).
11. Document the scene, evidence present, witnesses and any other relevant information.
12. When possible, photograph the scene and any visible injuries on the victim(s).
13. Ask the victim for a written statement, and when appropriate, obtain a signed medical release form with the victim's consent.
14. Inquire about any current protective orders, and/or restraining orders, or ex-parte restraining orders and determine whether such an order is on file within the COLLECT and/or NCIC system.
 - a. Determine whether the offender is the subject of any order of protection or conditions of release that includes "no contact with the victim" or "no use or possession of dangerous instrument or possessing any deadly weapons".
 - b. Verify whether the order of protection or conditions of release apply to the involved victim and offender.
15. Identify all penal code violations.
16. Provide the victim(s) with the case number and the investigating officer's name and badge number.
17. Provide assistance to the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression. Pursuant to CGS § 46b-38b(d), such assistance shall include, but not limited to the following.
 - a. Notify the victim of the right to file an affidavit for a warrant for arrest.

- b. Inform the victim of services available by providing the victim with the contact information for Connecticut Safe Connect, which provides the means to contact a certified domestic violence counselor for help (1-888-774-2900 or www.ctsafeconnect.org). Help may be accessed through Connecticut Safe Connect via telephone call, live chat, text, or email with a connection to a local domestic violence organization.
 - c. Remain at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.
18. Conduct a Lethality Assessment Screening (LAP) with the victim(s) in accordance with Policies and Procedures # 441 – Domestic Violence Lethality Assessment.
19. Officers shall provide assistance in accordance with the uniform protocols for treating victims of domestic violence whose immigration status is questionable. Officers are strongly discouraged from requesting information about or otherwise investigating or assisting in the investigation of citizenship or residency status of any victim, unless such an inquiry or investigation is required by statute, ordinance, federal regulation, or a court decision.
20. Before leaving the scene, identify the local domestic service provider, and help the victim to develop a short-term safety plan, which may include planning what to do next, contacting a friend or family member for support, and/or going to a safe place for the night (i.e. family, friends, shelter).
- a. Provide the victim(s) a card from the Office of Victim Services containing information about victims' rights and phone numbers for services (CGS § 46b-38b(f)). (CGS §54-216 permits victims of domestic violence to obtain restitution services from the Office of Victim Services.)
21. Explain to the victim the process for arrest, arraignment and bond, and including the following:
- a. The offender might not be held overnight, but may be released within hours of the arrest.
 - b. The offender will be arraigned the next available court day.
 - c. Prior to arraignment, the victim can call Connecticut Safe Connect at 1-888-774-2900 or go to www.CTSafeConnect.org 24/7, 365 days/year for support, resources and safety planning, with a connection to a local domestic violence organization.
 - d. On the day of arraignment, the FVVA will provide the victim with accurate information regarding the court process and her/his constitutional rights as a crime victim. The FVVA will represent the victim's wishes to the court. The FVVA will provide information and referrals regarding available community services, register victims for CT SAVIN case notification, assist with applying for

Victim Compensation and will help the victim develop a short/long-term safety plan.

- 1) The FVVA will only disclose information as authorized by the victim - otherwise, any information given by the victim to the FVVA is confidential, or that which is required by law.
- e. Victim(s) are to be encouraged to contact the investigating agency, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate.
22. When an officer arrests any person for a domestic violence crime, he/she must inform the defendant of the next day that court is open for an appearance date. If court is in session at the time of the offense, that person should be arraigned at that time if court is willing to accept the defendant on the same day.
23. For any cases of arrest or pending arrest for domestic violence, complete a Family Violence Offense Report, DPS-230-C, to be turned in with all other completed paperwork regarding the incident.
24. Report suspected abuse of any person with intellectual disability between the ages of eighteen (18) and sixty (60) to the Abuse Investigation Division of the Department of Developmental Services by phone (1-844-878-8923) and submit Form PA-6. (CGS § 46a-11b)
25. Report suspected abuse, neglect, exploitation, or abandonment of any elderly person within twenty-four (24) hours of establishing reasonable cause by phone to the Connecticut Department of Social Services (1-888-385-4225); or Form W-675 may be completed and forwarded to the Department of Social Services via fax (860-424-5091). (CGS § 17b-451)
26. Department patrol vehicles shall contain copies of services and resources available to victims pursuant to the criteria outlined in CGS § 17a-22r, to include:
 - a. Behavioral and mental health evaluation and treatment resources available to children.
 - b. Contact information for the National Suicide Prevention Hotline.
 - c. Providers of resources for mobile crisis intervention services.
 - d. Physical location(s) of each provider.
 - e. Officers may provide a copy of such documents to any person or family member of a person who they determine may benefit from the services or resources described in such documents.

27. Personnel shall ensure that his/her assigned Department patrol vehicle has sufficient family violence resource forms for their tour of duty.

C. Supervisory Responsibilities

1. A supervisor shall conduct a probable cause review at the scene (when necessary and feasible) and/or at booking and review all arrests, dual arrest situations and self-defense issues.
2. A supervisor shall ensure all reports, including the Family Violence Offense Report, are properly completed and submitted to the Records Division.
 - a. The Records Division shall forward all Family Violence Offense Reports to the Crimes Analysis Unit at the Department of Emergency Services and Public Protection on a monthly basis.
3. The shift supervisor shall ensure that follow-up investigative responsibilities, victim safety, and offender release considerations are coordinated to allow for shift changes and/or referral to specialized units.
4. The shift supervisor shall expedite the arrest warrant execution upon approval from the court.
5. The on-duty supervisor shall ensure, under CGS § 54-63c(a), any offender arrested who has used or has threatened to use a firearm not be released on a promise to appear (PTA).
6. Conditions of release for domestic violence shall be set by the on-duty supervisor or the bail commissioner. Either the on-duty supervisor or the bail commissioner should enter an order of protection ("File 20") into COLLECT/NCIC, with the appropriate conditions/restrictions listed.
7. The on-duty supervisor is responsible for setting bail after arrest. In any instance in which a bail commissioner reduces the bond set by law enforcement, the on-duty supervisor, who has concern for the safety of the victim may contact the State's Attorney within the jurisdiction, who in turn may authorize the Department to delay release on the bail commissioner's recommendation until the arraignment (CGS § 54-63d(d)).
8. The Department shall designate one supervisor to review and oversee the Police Response to Crimes of Domestic Violence Model Policies, Procedures, and Guidelines and to enhance such agency's response to victims, community, and court personnel with respect to domestic violence. The supervisor shall submit a report annually on compliance to the Chief of Police.
 - a. A Survey to Determine Compliance with the State of Connecticut Family Violence Model Policy Form (DESPP-231-C) shall be completed by the Head of

the Records Division annually by July 1st and submitted to the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP).

D. Arrests

1. Except as provided in subsection (c) and (d) of this section, whenever an officer determines upon speedy information that a domestic violence crime, as defined in CGS § 46b-38a(3), has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime(s). (CGS § 46b-38b(a))
 - a. Officers shall make arrests for all domestic violence offenses consistent with CGS § 54-1f.
 - 2) The Family Violence Prevention and Response Act (FVPRA) requires officers to arrest a person only if there is probable cause to believe that person committed a domestic violence crime, and it does not alter standards for an arrest. Traditional constitutional and statutory standards, including CGS § 54-1f guidelines, should direct decisions and procedures for making and processing domestic violence arrests. An officer must determine that probable cause exists for any charge which forms the basis for an arrest.
- b. Officers shall not notify the alleged offender of a pending arrest or offer voluntary surrender. Voluntary surrender should only be offered where there are concerns for officer safety, concern for victim safety or unusual circumstances that would warrant the voluntary surrender.
- c. When complaints of domestic violence are made by two (2) or more opposing persons, officers are not required to arrest both persons. Officers shall evaluate each complaint separately to determine which person is the dominant aggressor (CGS § 46b-38a(b) as amended by PA 18-5).
 - 1) In determining which person is the dominant aggressor, officers shall consider the need protect victims of domestic violence and the following.
 - a) Whether one (1) person acted in defense of himself/herself or a third person.
 - b) The relative degree of an injury.
 - c) Any threats creating fear of physical injury.
 - d) Any history of domestic violence between such persons if such history can reasonably be obtained by the officer.
 - 2) An officer shall arrest the person he/she believes to be the dominant aggressor.
- d. If an officer believes probable cause exists for the arrest of two (2) or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, the officer may submit a report

detailing the conduct of such person during the incident to the State's Attorney for the Department's Judicial District for further review and advice. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests.

- 1) For a secondary arrest review by the State's Attorney, the report detailing the incident and the Request for Review and Advice Form must be completed and submitted to the State's Attorney by the next business day.
- e. Section "I" of this policy further highlights dual complaints and the dominant aggressor.
 - f. No officer investigating an incident of domestic violence shall threaten, suggest or otherwise indicate the arrest of all persons for the purpose of discouraging requests for law enforcement by any party. (CGS § 46b-38b(b)).
 - g. An officer should emphasize to the parties the criminal nature of domestic violence and that the criminal action is being initiated by the State, not the victim.
 - h. An officer can choose to make a custodial arrest, a summons arrest, or, in limited situations, may apply for an arrest warrant. Determination of which type of arrest to pursue should include careful consideration of imminent safety concerns for the victim and his/her children, and after consulting with the on-duty supervisor.
 - i. Whether an offender posts bond, he/she shall be scheduled for arraignment before the superior court on the next regularly scheduled day of court business. (CGS § 54-1g)
 - j. If an arrested person is hospitalized, or has escaped or is otherwise incapacitated, the person shall be presented, if practicable, to the next available court date after return to police custody.
 - k. Pursuant to CGS § 46b-38b(a), the decision whether to arrest shall NOT be influenced by the following.
 - 1) The specific consent or request of the victim.
 - 2) The relationship between persons suspected of committing a domestic violence crime. The seriousness of crimes committed between family or household members is not mitigated because of the relationships, living arrangements, or genders of those involved.
 - 3) The fact that civil proceedings such as separation, divorce, or custody disputes are pending. A pending civil action does not preclude a thorough investigation and arrest if probable cause exists. Officers should not assume parties are using claims of domestic violence to gain advantages in civil actions. It is well documented that violence escalates when victims make efforts to leave a violent relationship and/or take steps to seek protection.

- 4) The victim's previous unwillingness to participate in the complaint or arrest process. Often, victims may be immobilized by fear. Officers should treat each incident with equal importance. There is no way to tell, for example, which time a victim may be in more danger or when an abusive partner may become violent.
 - 5) The number or frequency of calls for police assistance at a particular location. It is well documented that the level of violence increases over time and escalates significantly when a victim seeks assistance.
 - 6) The victim's wishes to not have the offender arrested. Officers should emphasize that criminal action is being initiated by the State, not the victim.
 - 7) Assurances from the offender that the violence will cease.
2. The provisions of CGS § 46b-38b shall not apply to persons who are, attending an institution of higher education and presently residing together in on-campus housing or in off-campus housing that is owned, managed, or operated by the institution of higher education or its agent, provided such persons are not family or household members; or persons presently residing in a dwelling unit, as defined in CGS § 47a-1, who are making payments pursuant to a rental agreement provided such persons are not family or household members provided such persons are not in a dating relationship, (PA 19-189).
 3. Pursuant to PA 19-43, law enforcement agencies shall redact the name, address or other identifying information of any victim of sexual assault, voyeurism, injury or risk of injury, or impairing of morals, or family violence, or witness thereof, as defined in section 46b-38a, or of an attempt thereof, from any arrest record released to the public.

E. Officer Involved Domestic Violence Incidents

1. Refer to Policies and Procedures # 416 – Domestic Violence Involving Department Personnel regarding the handling of domestic violence involving personnel from the Department and domestic violence involving sworn personnel from an outside agency.

F. Jurisdiction

1. Misdemeanor Summons Arrests.
 - a. An officer may arrest for misdemeanor crimes only within the geographical boundaries of the territory covered by the Department, with the following two exceptions.
 - 1) An officer may arrest outside of his/her jurisdiction anywhere within Connecticut if there is probable cause based on "speedy information" that the crime(s) occurred within his/her jurisdiction and the officer is in immediate pursuit of the suspect. (CGS § 54-1f(c))

- 2) An officer may arrest anywhere within Connecticut if his/her department holds a valid arrest warrant for the accused.
 - b. If the domestic violence crime does not involve a felony, and if the officer reasonably believes there is no risk or injury to a family or household member, the officer may affect a misdemeanor summons arrest (CGS § 54-1h).
 - c. For further guidance on these types of arrests, reference Policies and Procedures # 424 – Misdemeanor Summons Arrest.
2. Felony Warrant Arrest
- a. An officer may arrest anywhere within Connecticut if he/she has probable cause to believe the suspect has committed a felony.
 - b. “Speedy information” is not required for a felony arrest; however, absent speedy information, it is recommended that the officer obtain an arrest warrant unless there is a concern for safety and/or flight.
 - c. A criminal violation of an order of protection is a felony crime, and could be deemed to impact the safety of the victim.
 - d. If a warrantless arrest is not made and the suspect cannot be located within a reasonable time following the crime, the investigating officer shall prepare an application for an arrest warrant. All crimes for which probable cause exists should be charged and the facts supporting each charge, including violence or threats of violence, must be detailed in the warrant; the execution of a warrant should be expedited.
3. No Arrest
- a. When choosing not to affect an arrest, the officer should explain that an arrest cannot be made without adequate factual basis establishing probable cause. The officer should explain alternate remedies and avenues of assistance and protection.

G. Warrantless (On-Site) Arrest Considerations

1. CGS § 54-1f authorizes an officer to arrest, without previous complaint and warrant, any person for any offense (felony or misdemeanor) that occurred within his/her precinct, when the person is taken or apprehended in the act or on the speedy information of others.
2. Speedy Information is information received during the course of or promptly after the commission of the crime and is of such character that the officer has reasonable grounds to accept it as true. Whether such information constitutes speedy information depends on the following two considerations.
 - a. How proximate in time the information is to the crime.

- b. Whether the officer was justified in accepting the information and relying on it. (It is the officer's responsibility to check the truthfulness, reliability, and basis of knowledge of the person providing the information.)

H. Warrant Arrest Considerations

1. In domestic violence cases, an arrest warrant should be sought only in limited circumstances such as in the following cases:
 - a. When further investigation is needed to establish probable cause (i.e. self-defense, etc.).
 - b. When the offender cannot be located pursuant to speedy information.
 - 1) If the offender has left the scene and probable cause for an arrest has been established, initiate a speedy want / BOLO for the offender.
 - 2) The investigating officer shall notify the EHPSCC personnel to advise neighboring jurisdictions, or other jurisdictions where the offender is believed to have fled, of the probable cause for the offender's arrest and to effect the arrest if the offender is located.
 - 3) The investigating officer shall complete a signed/sworn report/affidavit/incident report to support the arrest in the event the offender is located and arrested.
 - 4) If the offender is not located, the investigating officer shall, as soon as practical, prepare and submit an arrest warrant application.
 - c. For a misdemeanor arrest when there is no speedy information.
 - d. For a felony arrest when there is no speedy information, unless there is a concern for safety and/or flight.
 - 1) A criminal violation of an order of protection is a felony crime and should be deemed to impact the safety of the victim.
2. Once an officer has determined that probable cause exists, an arrest warrant should be sought as soon as possible.
 - a. If a warrant must be sought in any incident involving the use or threatened use of a weapon (electronic defense weapon or firearm), an officer should expedite the application for an execution of the arrest warrant.
 - b. All crimes for which probable cause exists should be charged and the facts supporting each charge, including violence or threats of violence, should be detailed in the warrant and at the next day court presentation.

I. Dual Complaints and Dominant Aggressor

1. The Family Violence Prevention and Response Act (FVPRA) (CGS § 46b-38b(a)) requires, in part, that whenever an officer determines upon speedy information that a domestic violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime.
2. This "mandatory arrest" part of the law may be confusing in at least two situations: first, in incidents where there is probable cause to arrest both parties, and second, when one of the parties may have been acting in self-defense.
 - a. Officers should be aware that, given the nature of domestic violence, a victim may be afraid to make true and accurate statements regarding the incident due to fear of further violence from a battering partner.
 - b. Each complaint must be carefully and thoroughly investigated prior to making arrest decisions to ensure that a victim will not be unnecessarily re-victimized by the legal system, or made to fear police intervention. An arrest itself can be particularly traumatic for victims of domestic violence.
3. When complaints of domestic violence are made by two (2) or more opposing persons, officers are not required to arrest both persons.
 - a. Officers shall evaluate each complaint separately to determine which person is the dominant aggressor.
 - b. In determining which person is the dominant aggressor, officers shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of domestic violence between such persons, if such history can reasonably be obtained by the officer.
 - c. The officer shall arrest the person whom the officer believes to be the dominant aggressor. (CGS § 46b-38b(b) as amended by PA 18-5.)
 - d. If an officer believes probable cause exists for the arrest of two (2) or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, the officer may submit a report detailing the conduct of such person during the incident to the State's Attorney for the Department's judicial district for further review and advice. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests. (CGS §46b-38b(c) as amended by PA 18-5.)
 - 1) For a secondary arrest review by the State's Attorney, the report detailing the incident and the Request for Review and Advice Form must be completed and submitted to the State's Attorney by the next business day.
 - e. Dual arrests should be made only when probable cause exists to charge each party with a crime, unless the dominant aggressor has been identified or a request will

be made to have the case reviewed by a State's Attorney, (CGS § 46b-38b(c) as amended by PA 18-5.).

- f. In some instances, there may be probable cause to arrest one party for a domestic violence crime and the other on a non-domestic violence charge, such as interfering with an arrest. This does not constitute a dual arrest.
4. No officer investigating an incident of domestic violence shall threaten, suggest or otherwise indicate the arrest of all persons for the purpose of discouraging requests for law enforcement by any party. (CGS § 46b-38b(b))
5. No officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for (1) an arrest based on probable cause; (2) any conditions of release imposed pursuant to subsection (b) of section 54-63c; or (3) determinations made pursuant to subsection (b) or (c) of this section. (CGS § 46b-38b(e) as amended by PA 18-5.)

J. Self-Defense

1. When attempting to determine whether or not a person was justified in using self-defense and therefore not subject to the mandatory arrest provisions of the law, the responding officer must make his or her own judgments about the reasonableness of the subject's "beliefs," as defined above in Section III. In making these judgments the officer must first consider the following.
 - a. The situation from the perspective of the person acting in self-defense; that is, what did the person actually believe, and - because statute requires that the defendant's belief be reasonable, and not irrational or unreasonable under the circumstances.
 - b. Whether a reasonable person in the defendant's circumstances could have reached that belief.
2. The analysis can be broken down into 4 steps or elements.
 - a. That the actor actually believed that someone else was using or about to use physical force against him or a third person.
 - b. That such belief was reasonable because a reasonable person in the actor's circumstances would have shared that belief.
 - c. That the actor actually believed that the degree of force (he/she) used was necessary to repel the attack.
 - d. That such belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.

K. Incident Reporting and Documentation

1. Whenever an officer determines that an allegation of a domestic violence offense has occurred between members of the same family and/or household, as defined herein, a case incident report must be prepared whether or not an arrest is made.
 2. When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, he/she should request that the recorded call be preserved; seize the recording as evidence and document the seizure in the incident report.
 3. Officers shall document any verbal statements made by the victim(s), offender, or witnesses and distinguish the statements with quotes where appropriate within the incident report.
 4. Officers shall document any visible injuries within the incident report.
 5. Incident reports shall be completed in accordance with Policies and Procedures # 303 – Incident Reporting and Review Procedures.
- L. Effect of Ex-Parte Restraining Order, Restraining Order, Protective Order, Standing Criminal Protective Order, or a Foreign Order of Protection upon the Right to Possess and/or Carry firearms and/or ammunition.
1. Any person who is subject to an ex-parte restraining order, restraining order, protective order, standing criminal protective order, or a foreign order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person, must immediately surrender any pistols, revolvers, or other firearms (CGS § 29-27), and ammunition in his possession no more than twenty-four (24) hours after becoming subject to the order. He/she is required to transfer or sell any possessed firearms or ammunition to a Federal Firearms Licensee (FFL), or surrender the firearms or ammunition to the Commissioner at a State Police troop (other than Headquarters) or a local police department (CGS § 29-36k(a)).
 - a. An officer will obtain a sworn written statement or statement of compliance from the subject indicating they are aware they are ineligible to possess, and are currently not in possession of any firearms or ammunition.
 - b. When a state marshal service receives an ex-parte order issued by the court that indicates that the respondent holds
 - 1) A pistol/revolver permit, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate, an ammunition certificate or permit, and may possess one or more firearms or ammunition,
 - 2) The marshal service shall notify the agency for the town in which the service will take place, provide a copy of the application, the applicant's affidavit, the ex-parte order, notice of the hearing, and the marshal may request an officer when the service is executed.

2. A person may surrender his or her weapon(s) to the East Haven Police Department and the Department's Evidence Officer should forward it/them to the Commissioner of the Department of Emergency Services and Public Protection (DESPP).
3. Permit to Carry.
 - a. The Department shall revoke any permit to carry a pistol or revolver or a pistol or revolver eligibility certificate, a long gun eligibility certificate, or an ammunition permit or certificate when
 - 1) He/she has been convicted of a felony or any misdemeanor disqualifiers (CGS § 29-32).
 - 2) He/she becomes subject to an ex-parte restraining order, a restraining order and/or a protective order, a standing criminal protective order, or a foreign order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person.
 - b. Within five (5) days of receiving written notice that his/her permit has been revoked, the holder of the permit/certificate must surrender it to the Department. (CGS § 29-32).
 - c. Any revocation of a state permit of an East Haven resident by the Commissioner of DESPP requires notification of the Department (CGS § 29-32).
 - d. If an offender does not surrender the permit/certificate, he or she should be arrested for any of the below violations.
 - 1) Failure to Surrender Permit to Carry a Pistol or Revolver (CGS § 29-32).
 - 2) Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS § 29-36i).
 - 3) Failure to Surrender Long Gun Eligibility Certificate (CGS § 29-37s).
 - 4) Failure to Surrender Ammunition Certificate (CGS § 29-38p).
 - 5) The permit/certificate should be confiscated and immediately forwarded to the Commissioner of the DESPP (CGS § 29-32, CGS § 29-36, CGS § 29-37, CGS § 29-38 inclusive as amended by P.A. 16-34).
4. Carrying Pistol or Revolver without a Permit.
 - a. If officers find a pistol or revolver in the possession of a person involved in a domestic violence crime who is not in his dwelling house or place of business, and a determination is made that the person does not have a valid permit to carry such weapon, officers shall arrest the person for the crime of carrying a pistol or revolver without a permit, and shall seize the weapon as evidence of the crime. (CGS § 29-35(a)).

5. Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver.

a. Arrests for criminal possession.

1) Any offender that knows that he/she is the subject of a restraining order, ex-parte restraining order, a protective order, standing criminal protective order, or a foreign order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person.

2) 2) Has been convicted of a felony.

3) Has been convicted of a misdemeanor violation of section CGS §21a-279 on or after October 1, 2015, or a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013, and during the preceding twenty years, or

4) Has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section CGS §46b-120, or

5) Has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section CGS §53a-13, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was voluntarily admitted solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or

3) Has been convicted of a misdemeanor committed on or after October 1, 1994 (pistol and revolvers), or on or after October 1, 2013 (other firearms, ammunition, electronic defense weapons) as identified in CGS § 53a-217 and § 53a-217c.

2) Is subject to any other firearms prohibitions as defined in CGS § 53a-217 and § 53a-217c.

6)

4) Is in possession of any firearm, ammunition, electronic defense weapon, pistol or revolver.

7)

~~6)~~ Shall be arrested for Criminal Possession of a Firearm or Electronic Defense Weapon (CGS § 53a-217) and/or Criminal Possession of a Pistol or Revolver (CGS § 53a-217c).

8)

~~5)9)~~ The weapon(s) and/or ammunition, and/or electronic defense weapon, should be seized as evidence of the crime.

6. Use or Threatened Use of Weapon in a Family Violence Crime

- a. In responding to domestic violence incidents, officers shall investigate and arrest in accordance with relevant Connecticut General Statute § 46b-38b. If an officer has probable cause to believe that a person used or threatened to use a weapon in the commission of any domestic violence crime(s) that person should be arrested for all appropriate crimes and the weapon should be seized as evidence of the crime(s).

7. Seizure of Firearms at the location of a Domestic Violence Crime (Safekeeping Provision)

- a. Whenever an officer makes an arrest for a domestic violence crime, the officer may seize any firearm, ammunition, or electronic defense weapon at the location where the crime is alleged to have been committed that is in the possession of the offender/suspect or that is in plain view. (CGS § 46b-38b(a) Amended by PA 02-120). Refer to CGS § 53a-3-Definition of Possession. Any firearm seized under this section must be returned in its original condition within seven (7) days to its rightful owner unless such person is ineligible to possess the firearm or unless otherwise ordered by the court. Any questions regarding the return of weapons seized under this section should promptly be directed to the state's attorney.

8. Seizure of Firearms from Person Posing Risk to Self or Others

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

1) Recent threats or acts of violence toward themselves or others, or

2) Recent acts of cruelty to animals CGS 53-247b, and additional considerations include but not limited to:

a) Reckless use, display, or brandishing of a firearm or other deadly weapon, or

b) History of the use, attempted use, or threatened use of physical force against others, or

c) Prior involuntary confinement in a hospital for psychiatric disabilities, or

8.d) Illegal use of controlled substances or abuse of alcohol.

- ~~a. A judge may issue a search and seizure warrant “Risk Warrant” to search for and take custody of any firearms when any two officers (or any prosecutor) complain under oath that there is probable cause to believe that:~~

~~— A person poses a risk of imminent personal injury to him/herself or to other individuals;~~

~~1) Such person possesses one or more firearms; and~~

~~1) Such firearm or firearms are within or upon any place, thing or person. (CGS § 29-38c(a)).~~

- ~~a. Police officers should consider this option when investigating incidents of domestic violence.~~

9. Surrender of Firearms

- a. Upon the surrender of any firearms or ammunition or if the offender indicates that he/she is not in possession of, nor does he/she have access to, any firearms or ammunition and there is no other evidence to suggest the contrary, have the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) indicating the same. If the offender refuses to complete the Firearms and Ammunition Compliance Statement form, document the refusal in an incident report.
- b. If he/she completes the form and now reports a lost or stolen assault weapon and/or firearm, he/she must make a report and such report shall be forwarded to the Commissioner of DESPP within seventy-two (72) hours. Failure to report a lost or stolen assault weapon and/or firearm is a violation of CGS § 53-202g.

10. Return of Surrendered or Seized Weapons

- a. A person who has surrendered a firearm to the Commissioner of DESPP pursuant to Connecticut General Statutes Section § 29-36K, may request in writing within one year after such surrender that the weapon(s) be transferred to a Federal Firearms Licensee (FFL). Within ten days of receipt of written notice of the transfer by both the owner and the designated receiver, the Commissioner of DESPP must deliver the weapon(s) to the receiver. (CGS § 29-36K(b))
- b. Prior to the return of any seized or surrendered weapon, the agency must investigate to ensure that the person is eligible to possess the weapon(s), including the following.
- 1) That the person is no longer the subject of an ex parte restraining order, restraining order, protective order, or standing criminal protective order.
- 2) That the person would not otherwise be in violation of CGS § 53a-217(c).

- 3) That the person has not been convicted of a misdemeanor or felony domestic violence crime.

M. Verification of a Court Order

1. When an officer is advised that an Ex-Parte Restraining Order (EPRO) Restraining Orders (RO) and/or Protective Order (PO) and Standing Criminal Protective Orders (SCPO) against the suspect is in effect, the officer must attempt to verify that the order exists by any of the following methods.
 - a. Ask the complainant to produce a certified copy of the order. The court provides certified copies at time of issuance.
 - b. Access the COLLECT/NCIC system to verify whether an EPRO, RO, PO or a SCPO has been issued against a person.
 - c. Ensure that both parties' names are on the order, and that the order has not yet expired.
 - d. If an officer is unable to determine whether or not an order is still in effect, contact the Clerk of the Criminal Court to inquire about the status of a RO, PO, or a SCPO and for an EPRO contact the Clerk of the Civil Court.
 - e. Determine what the exact terms of the order are for a particular individual at a particular location.
 - f. In situations where there are multiple orders, officers should document the existence of and issuance date of all orders in the report and arrest for any and all valid violations of such orders.

N. Domestic Violence Alert Notification/GPS Program

1. The State of Connecticut Judicial Branch has a GPS monitoring program (Alert Notification/GPS) in Bridgeport, Danielson, ~~and~~ Hartford, Derby and Milford courts. CGS 46b-38c as amended by PA 23-106 expands the alert notification program statewide. Over the fiscal year of 2024, the alert notification program will expand to the Waterbury, New Haven, Torrington, and Danbury courts. Additional courts will be identified in the 2025 and 2026 fiscal years. ~~to first alert and secure the safety of the victim and then assist law enforcement with attempting to locate and apprehend the offender.~~ This alert notification system is different from the parole and probation electronic monitoring of offenders in the community.
 - a. Offenders that have a history of violating court orders and/or who pose a risk of harm to a protected person(s) can be ordered by a judge to wear a GPS equipped ankle bracelet.
 - b. Specific locations are identified as restricted areas (i.e. the protected persons home, workplace, school, etc.) and the offender is instructed to avoid a 2500-foot area surrounding those areas. A protected person may also elect to fully

participate, and a 2500-foot restricted area will be around that individual creating a mobile zone.

2. An alert is triggered if:
 - a. The offender breaches one of the restricted areas;
 - b. The ankle bracelet is tampered with;
 - c. The battery is not charged; or
 - d. A GPS signal cannot be located.
 3. If an alert is triggered, the GPS monitoring company will:
 - a. Notify the protected person(s) and advise them to activate a pre-established safety plan.
 - b. Notify the Department, if applicable, and will:
 - 1) Provide the location and direction of travel of the offender and/or other pertinent information.
 - 2) Provide information that will assist responding officers in locating the protected person.
 - 3) Stay on the line with telecommunication personnel if the offender continues to advance towards a protected person(s) and provide a call back number for follow-up.
 4. Officers who are dispatched to a Domestic Violence Alert Notification/GPS shall:
 - a. Locate and ensure the safety of the protected person(s).
 - b. Attempt to locate the offender with due caution.
 - c. Determine the reason(s) for the notification.
 - d. If probable cause is established that the terms of an existing order of protection have been violated, arrest the offender on speedy information if located or apply for an arrest warrant if the offender cannot be located.
 - e. Document all information in an incident report.
- O. Escorting Offenders to Retrieve Belongings
1. When a court issues an EPRO, RO or PO, the offender may be told that he/she can return to the home in the presence of a police officer to gather personal belongings.
 - a. Some court orders may only allow a one-time escort.
 - b. All escorts will be documented in the CAD or an incident report supplement.

- c. Escorts shall only be provided one-time.
 - d. In certain rare situations, the protected party may allow for an escort more than one (1) time. At the sole discretion of the Department, a subsequent escort may be allowed provided it is not in violation of a court order.
2. Initiation of the retrieval is at the discretion of the Department at a time period that is reasonable and practical.
3. The officer is responsible for the following.
- a. Verifying the order and its conditions.
 - b. Confirming if the order only allows for a one-time retrieval escort that it has not already be done by another officer.
 - c. Contacting the protected party to arrange a time for retrieval.
 - d. If the officer is unable to make contact with the protected party or if children are present, then the retrieval should be scheduled for a later date/time.
 - e. Escorting the offender for the purpose of preventing further disturbance, violence or damage to the belongings of the victim.
 - f. For the safety of both the officer and the protected party, the officer shall ensure that the offender is not armed with any weapons and/or dangerous instruments while the retrieval is occurring.
 - g. The officer is to accompany the offender throughout the entire retrieval process. If the protected party wishes to do so, they should be allowed to accompany the officer and offender during the retrieval.
 - h. The retrieval should last no longer than 10-20 minutes, unless the protected party allows for a longer period of time. The offender is being escorted only to retrieve essential items such as clothes, toiletries, medication, or essential work items.
 - 1) Essential work items include tools, files, and work computers; specifically, if the offender works from home, is employed in the trades, is self-employed, or is required to use these items daily for their employment.
 - 2) Other non-essential or valuable items used by the protected party and/or children such as groceries, electronics, jewelry, furniture, etc. are not to be removed from the dwelling.
 - i. The protected party must be given prior notice of the retrieval by the Department.

- j. The offender must not use the retrieval process as a means to harass the protected party.
- k. If it is not practical or safe for the protected party to accompany the officer and offender during the retrieval process, then the officer shall review with the victim before the officer or the offender leave the premises what essential items the offender is removing from the residence.

P. Federal Domestic Violence Laws

1. The Federal Violence Against Women Act (VAWA) makes certain actions in domestic violence situations a violation of Federal law.
2. If an officer believes that a person may have violated a provision of the Act, he or she should indicate that fact in his/her incident report and notify his/her supervisor.
3. The supervisor will forward copies of the case report and all supplemental reports to the Head of the Detective Division. If the Head concurs with the recommendation, he/she shall contact the United States Attorney's Office for review by an Assistant United States Attorney who will determine whether the situation warrants prosecution for federal charges.

Office of the United States Attorney
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4. All officers shall be trained to recognize the possibility of a Federal VAWA violation and to make referrals for these violations.
5. Summary of Applicable VAWA Sections
 - a. Full Faith and Credit: Title 18 USC § 2265 and § 2266
 - 1) Requires states and Indian tribes to enforce orders of protection issued by foreign states and Indian tribes as if the orders had been issued by the non-issuing, enforcing state or Indian tribe.
 - 2) A valid order of protection is defined as an order of protection that was issued by a court with jurisdiction over the parties and matter under the laws of such state or Indian tribe and in circumstances where the defendant was given reasonable notice and the opportunity to be heard sufficient to protect the defendant's due process rights.
 - 3) The provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, [sexual violence](#) or contact or communication with or physical proximity to, another person, including temporary and final protection orders issued by civil and criminal courts (other than support or child custody orders). In other words, it extends to temporary and final, civil and criminal orders of protection.

- 4) The provision states that officers should enforce out-of-state orders of protection that are presented to them if the order appears valid on its face, i.e., it contains both parties' names and has not yet expired. The provision further states that even if the out-of-state order is uncertified, it should be enforced if it meets the requirements of facial validity.
- b. Disposal, Receipt or Possession of a Firearm: Title 18 USC § 922(d) and (g)
 - 1) Section 922(d)(8) prohibits the knowing transfer of a firearm to a person who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child.
 - 2) Section 922(g)(8) prohibits the possession of a firearm by persons subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.
 - 3) Section 922(g)(9) prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a domestic violence crime (a domestic violence crime that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon), including a misdemeanor domestic violence crime.
- c. Interstate Domestic Violence: Title 18 USC § 226(a)(1)
 - ~~1)~~ Prohibits the travel across state lines or the leaving or entering of Indian territory with the intent (at the time of the crossing) to kill, injure, harass, or intimidate a spouse, ~~or~~ intimate partner, or dating partner. This provision is violated when a person, after the crossing, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner. then intentionally commits a violent crime or causes a bodily injury.
 - 1)
- ~~d.~~ Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud: Title 18 USC § 2261(a)(2)
 - d.
 - 1) Violation of this provision occurs when the defendant by force, coercion, duress or fraud, causes a spouse, ~~or~~ intimate partner, or dating partner to cross state lines ~~(or leave or enter Indian territory)~~ and in the course of or as a result of such travel commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner.
 - 6) ~~or as a result of that conduct, intentionally commits a crime of violence. Bodily injury to the victim is also required.~~
- ~~f.e.~~ Interstate Stalking: Title 18 USC § 2261A
 - 1) Prohibits travel across a state line or within the special maritime and territorial jurisdiction of the United States with the intent to injure, ~~or~~ harass, intimidate

or place under surveillance another person, when in the course of, or as a result of, such travel, the person is placed in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family, or a spouse, intimate partner of that person, or the pet, service animal, emotional support animal, or horse of that person.

g.—Interstate Violation of a Protective Order: Title 18 USC § 2262

f.

1) This provision is violated when a person travels across state lines or leaves or enters Indian Territory with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact, or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued and subsequently engages in such conduct.

1)—This provision is violated when a person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian Territory by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued. (A)(i) violates the portion of a PO that protects against credible threats of violence, repeated harassment, or bodily injury; or (ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the PO was issued; and (B) subsequently engages in such conduct.

2)

Appendix A
COMPARISON OF ORDERS OF PROTECTION¹
Current to 202419

No individual who is listed as a protected person on any order may be liable for: (1) soliciting, requesting, commanding, importuning, or intentionally aiding in the violation of the order; or (2) conspiracy to violate

Protective Orders and Restraining Orders

Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
Protective Order (PO) (C.G.S. §46b-38c) (C.G.S. § 54-1k)	<ul style="list-style-type: none"> ➤ Issued by a judge in a criminal case, usually at the time of arraignment. ➤ There is no cost to the victim. ➤ Victim may not want a PO or even know the PO has been issued. ➤ Offender, not the victim, is responsible for upholding order. ➤ Is a condition of the offender's release. 	<ul style="list-style-type: none"> ➤ Duration of the criminal court case. ➤ Until criminal case ends ➤ Judge may modify or terminate at any time, without victim knowing. ➤ May continue during probation [CGS §53a-28(f)] ➤ Check with Protection Order Registry 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/ residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. May include animals. ➤ Any other orders the court deems necessary to protect 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Protective Order [C.G.S. §53a-223] (D Felony) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of a victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st

¹ The orders outlined in this chart are not mutually exclusive. A family violence victim could have more than one valid order from the same category or more than one valid order from multiple categories in effect at the same time (i.e. two protective orders, a protective order and a restraining order, etc.). Law enforcement must enforce the strictest provisions of any and all valid orders.

			the safety of the victim and dependent children.	[CGS § 53a-107] if in violation of PO.
<p>Restraining Order (RO) (C.G.S. §46b-15)</p> <p>Includes Ex-Parte order</p>	<ul style="list-style-type: none"> ➤ Victim files an “Application for Relief from Abuse” in the Family Division of Superior Court (civil court). ➤ Ex-parte order may be granted by judge. Hearing on order scheduled within 14 days. ➤ Victim must ensure that offender is “served” with notice of hearing. ➤ Offender, not the victim, is responsible for upholding order. ➤ There is no cost to the victim (for filing or service). 	<ul style="list-style-type: none"> ➤ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance. ➤ 7 day hearing if firearms, permit, eligibility certificate disclosure. ➤ Marshal/PD service in hand when possible. ➤ At hearing, judge can extend the order for 1 year with possible extension beyond 1 year. ➤ If victim wants to extend order beyond initial 1 year term, must file a motion at least 12 days prior to expiration. ➤ Order will not end prior to the expiration date without the victim being notified. ➤ Check with Protection Order Registry. 	<ul style="list-style-type: none"> ➤ Same provisions as in Protective Orders (above). ➤ May include custody orders. ➤ May include financial conditions for spouse (ex)/dependent children, living together (i.e. utilities, insurance, mortgage, rent, support). ➤ No disposal of property, documents, keys, ID. ➤ Must surrender weapons immediately, but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Restraining Order (C.G.S. §53a-223b) (D Felony) ➤ Unless violation includes, imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of RO. ➤ Victim also can file a Motion for Contempt in court where order was issued. ➤ Violation of financial conditions is NOT a

				criminal violation; explain option to file Motion for Contempt
<p>Standing Criminal Protective Order (SCPO) (C.G.S. §53a-40e)</p> <p><i>AKA: Standing Criminal Restraining Order (pre-Oct. 1, 2010)</i></p> <p><i>Permanent Protective/Restraining Order</i></p>	<ul style="list-style-type: none"> ➤ Issued by a criminal court judge at the time of sentencing. ➤ Can only be issued if offender is <u>convicted</u> of: <ul style="list-style-type: none"> ▪ Violation of enumerated offenses; or ▪ Any crime the court determines to be family violence; or, ▪ Any other crime for good cause shown. ➤ No cost to victim. ➤ Victim may not want a SCPO or even know the SCPO has been issued. 	<ul style="list-style-type: none"> ➤ Orders issued prior to Oct. 2010 could last indefinitely. ➤ Orders issued post Oct. 2010 shall remain in effect for any duration specified by the court at the time of sentencing. ➤ Orders can be modified and/or terminated without notice to or consent of the victim. 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. §53a-223a) (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of SCPO.
	<ul style="list-style-type: none"> ➤ Entitled to enforcement in Connecticut where: <ul style="list-style-type: none"> ▪ Issued by courts of: (1) another state; (2) District of Columbia; (3) U.S. commonwealth, territory or possession; or (4) Indian tribe; 			<ul style="list-style-type: none"> ➤ Criminal Violation of a Foreign Order of Protection (C.G.S. §53a-

Foreign Orders of Protection (C.G.S. §46b-15a)	<ul style="list-style-type: none"> ➤ Presume an order is valid if the content and form appear to be authentic (Full Faith & Credit). The order does NOT have to be a certified copy. ➤ May be criminal or civil. Conditions vary by issuing entity. ➤ Must surrender weapons immediately but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. ➤ A person may register a foreign order of protection in Connecticut, but is NOT required to do so, and law enforcement cannot refuse to enforce an order because the order does not appear in COLLECT, NCIC or the Protection Order Registry. 			<ul style="list-style-type: none"> ➤ 223b (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of FOP. ➤ May be federal violation – contact US Attorney
Conditions of Release (COR) (C.G.S. §§ 53a-222 ,	<ul style="list-style-type: none"> ➤ A person charged with a family violence crime can be released with non-financial conditions of release² by: <ul style="list-style-type: none"> ▪ Law enforcement; ▪ Bail commissioner; 	<ul style="list-style-type: none"> ➤ COR imposed by bail commissioner or law enforcement remain(s) in effect until offender is presented to a judge at arraignment. ➤ COR imposed by a judge remain(s) in 	Law Enforcement: <ul style="list-style-type: none"> ➤ Comply with specified restrictions on travel, association, or place of abode; ➤ Not engage in specified activities, including use/possession of dangerous instruments or possessing 	<ul style="list-style-type: none"> ➤ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. §53a-222). (D Felony) ➤ Unless violation includes imposing restraint on a person or

² No person shall be released upon the execution of written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime and in the commission of such crime used or threatened the use of a firearm (C.G.S. § 54-63d).

<p>53a-222a, 54-63c, 54-63d)</p>	<ul style="list-style-type: none"> ▪ A judge. <p>➤ To verify:</p> <ul style="list-style-type: none"> ▪ Check File 20; ▪ Contact clerk of court in JD/GA where order issued; ▪ Contact bail commissioner who released offender; ▪ Contact police department who released offender. 	<p>effect for the duration of the case or until further order of the court.</p>	<p>any deadly weapons, intoxicant, or controlled substance;</p> <p>➤ Avoid all contact with alleged victim.</p> <p>Bail Commissioner</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Remain under supervision of designated person or organization; ➤ Any other condition reasonably necessary to ensure appearance of the person in court. <p>Judge:</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Any non-financial condition the judge deems appropriate; ➤ Compliance with Protective Order. 	<p>their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony).</p> <p>➤ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. §53a-222a). (A misdemeanor)</p> <p>➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony).</p> <p>➤ If, in the course of violating a COR, a person commits any other crime (i.e. threatening, intimidating a witness, assault, etc.), that person should be arrested for any other appropriate crime(s).</p>
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Civil Protection Order (CPO) (CGS §46b-16a)	<ul style="list-style-type: none"> ➤ Not for DV Cases ➤ Issued by civil judge. ➤ Victims of stalking, sex assault, sexual abuse. ➤ Service by marshal. ➤ Hearing within 14 days. 	<ul style="list-style-type: none"> ➤ Lasts up to one year. ➤ Victim requests order. ➤ Cannot have a PO for same incident before CPO. ➤ If victim wants to extend beyond one year, must file a motion at least 3 weeks prior to expiration. ➤ 	<ul style="list-style-type: none"> ➤ Offender not to impose restraint on the person or their liberty, threaten, harass, assault, molest, sexually assault or attack the protected person. ➤ Offender cannot enter dwelling of protected person. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Civil Protective Order (CGS §53a-223c) (D Felony)
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Other Orders

Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
Family Court Orders	<ul style="list-style-type: none"> ➤ Where custody/divorce actions are pending, the Family Court may issue orders that, while not a restraining order or protection order, will often mirror traditional provisions of those orders of protection, such as: kick out orders and/or stay away orders, orders around exclusive possession of the home. ➤ While these orders are 	<ul style="list-style-type: none"> ➤ Family Court orders, unless they contain an expiration date, are valid until further order of the court. 	<ul style="list-style-type: none"> ➤ The victim should have a copy of the relevant order. ➤ Such orders may include, but are not limited to: <ul style="list-style-type: none"> ▪ Exclusive possession of an identified premises; ▪ Limitations on when and how one party may contact the other; ▪ Stay away orders – from a particular party or location. 	<ul style="list-style-type: none"> ➤ Officers can, in some cases, make an arrest for the “behavior” targeted by the Order, such as an arrest for trespass, harassment, custodial interference, etc.

	not technically Orders of Protection, they are valid orders of the court and govern the conduct of the relevant parties.			
Risk Protection Order (RPO)	<ul style="list-style-type: none"> ➤ A family, household member, or medical professional can apply through court for a Risk Protection Order investigation. ➤ When a judge approves a Risk Protection Order Affidavit based on probable cause that the subject poses imminent risk to themselves or others. 	<ul style="list-style-type: none"> ➤ If approved at the initial hearing, the Risk Protection Order remains in place for a minimum of 180 days, after which time the respondent may petition the court to terminate the order and warrant. Absent a petition, the RPO's duration remains indefinite. 	<ul style="list-style-type: none"> ➤ Any person whose firearm(s) and ammunition have been ordered seized may transfer such firearm(s) and ammunition to any person eligible to possess such firearm(s) and ammunition, pursuant to § 29-33. ➤ The RPO will prohibit the person under investigation from possessing or obtaining firearms, deadly weapons, and ammunitions. 	<ul style="list-style-type: none"> ➤ If subject obtains and/or possesses a firearm or electronic defense weapon: violation of Criminal Possession of Firearm or Electronic Defense Weapon (CGS § 53a-217) (Class C Felony).