

 <p style="text-align: center;">YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: NEED TO KNOW	
	311 ARRESTS	
	EFFECTIVE DATE: 05 MAR 2019	REVIEW DATE: ANNUAL

PURPOSE

The purpose of this General Order is to provide officers with basic guidelines when making an arrest.

POLICY

All arrests made by members of the Yale University Police Department shall be conducted professionally in accordance with established legal principles.

USE OF DISCRETION CTLEA 3.1.1

Members of the Department are granted broad discretion in determining what action is required of them in the performance of their duties. The use of this discretion is based on legal standards, guidelines, training and supervision. Employees are encouraged to use alternatives to arrest in solving problems, whenever practical.

Officers have discretion in the performance of their duties unless such discretion is prohibited, limited or controlled by law or department policy. Superior officers of the department have the ability to limit or control discretion through written policy statements and directives when appropriate to carry out the mission statement, values, goals and objectives of the department.

Generally, in arrest situations, the more serious the offense, the less discretion an officer has. Alternatives for lesser offenses may include arrest, warning and release, referral to another agency, mediation or terminating police involvement if no action is warranted.

GENERAL ARREST GUIDELINES

University Police Officers shall arrest anyone within their jurisdiction when:

- They have knowledge of an active felony warrant from any jurisdiction
- They have knowledge of an active misdemeanor warrant issued within the State of Connecticut
- The arrest is covered under a statutory provision mandating an arrest such as domestic violence.

Officers should arrest or issue the appropriate summons when they have probable cause to believe a person committed a violation of Connecticut State Law or New Haven City ordinance. Factors which may be considered when determining whether to make an arrest include:

- The nature and degree of the offense
- The age and physical condition of the offender.
- When appropriate, officers should avoid making custodial arrests of persons requiring serious medical care
- Attitude and safety concerns of the victim
- The safety of the community and or any witnesses
- The ability to positively identify the suspect
- The location of the suspect’s permanent address

PROCEDURE

Officers may arrest anyone within their jurisdiction based on a felony warrant, a misdemeanor warrant issued within this state, or probable cause to believe a person committed a violation of Connecticut State criminal laws or New Haven City ordinances.

Probable cause for an arrest may be established by one or a combination of the following:

- On sight observations of the officer
- Information or evidence obtained during an investigative detention or consensual citizen contact
- An identified citizen's specific complaint
- Information provided by a police informant of proven reliability
- Information provided by other law enforcement sources

Application for an arrest warrant will be made when a speedy arrest is not authorized or is not practical and probable cause exists that a crime was committed by the accused in the department's jurisdiction.

Officers may serve warrants anywhere within the State of Connecticut. Officers serving warrants should make reasonable efforts to verify the person to be arrested is the person named/described in the warrant and the warrant is current by checking with the issuing agency. **CTLEA 1.1.8i, 1.1.8p**

Officers who have reasonable information that an individual has an outstanding felony warrant issued by another state should arrest the person and charge them as a Fugitive from Justice (C.G.S. 54-170) if the following conditions are met:

- The charges are confirmed to be a felony
- The originating agency intends to extradite
- The validity of the warrant is confirmed including the statute number and the bond

Officers may make a warrantless **misdemeanor** arrest when they have probable cause, based on speedy information or personal observation, that the accused committed an offense in their jurisdiction. Warrantless **felony** arrests may be made when the officer has reasonable grounds to believe the suspect has committed or is committing a felony criminal offense. **CTLEA 1.1.8k**

MISDEMEANOR SUMMONSES

Police officers are authorized by Sec. 54-1h of the Connecticut General Statutes to issue Misdemeanor Summonses to adults in lieu of custodial arrest. Juvenile Summonses are issued in accordance with the procedures outlined in General Order 417.

Adults (18 and over) arrested for misdemeanor offenses by members of this Department should be issued a misdemeanor summons **UNLESS**:

- The arrest is for an offense involving the possession or use of a weapon,
- There is a substantial danger that the arrestee will continue the offense if immediately released,
- The arrestee does not understand that they are under arrest and must appear in court,
- The arrestee does not have sufficient ties to the community to make it likely that they will appear in court
- The identity of the arrestee cannot be determined.
- The supervisor has determined the situation requires a custodial arrest.

If the summons standards are satisfied, officers shall issue the arrestee a summons and release them. If summons standards are not satisfied, there is reason to bring the arrestee to Detention.

If an individual otherwise eligible for release is not released and sent to Detention, the reasons shall be noted in the body of the offense report.

When issuing a misdemeanor summons, the arresting officer will:

- Check the arrestee for active warrants and failure to appear arrests.
- Complete the misdemeanor summons form;
- Be sure that it is signed by both the arresting officer and the arrestee;
- Allow no longer than 7 days between the date of arrest and the arrestee's court appearance except in domestic violence cases.

CLAIMS OF MISIDENTIFICATION OR INNOCENCE

If an arrestee makes a claim of innocence or misidentification officers should make a reasonable attempt to verify such claims. If practical, officers should attempt to make such verification prior to transporting the prisoner to detention. If the officer is provided information indicating that the individual is innocent and has not yet been transported to the police department, the officer may release the person and document all of the information the officer had when making a determination of probable cause, as well as, the additional information obtained which diminished probable cause.

If the arrestee has been transported to detention, prior to the officer's verifying the innocence of the individual, processing should immediately stop, a supervisor should be notified and the arrestee shall be immediately released.

If the officer cannot verify the innocence of the arrestee, he/she shall notify a supervisor of the arrestee's claims and exercise discretion with regard to the nature of the arrest process.

RELEASE AFTER ARREST-LACK OF PROBABLE CAUSE

If, after an arrest, it becomes apparent there is no probable cause to hold the arrestee, the individual should be released. A supervisor must make this decision.

Any record of the arrest must include a record of release which classifies the incident as a "detention" rather than an arrest. If the individual has already been fingerprinted, photographed and processed, a written request must be forwarded to the New Haven Police Department Custodian of Records requesting the records be sealed.

The investigating officer will complete an incident report detailing the circumstances why the individual was arrested/detained and then released. A copy of the report will be forwarded to the State's Attorney's Office.

The investigating supervisor will make notifications through the chain of command and conduct a review of the incident and the officer's actions. A written report of this review will be completed and submitted through the chain of command.

ALTERNATIVES TO ARREST CTLEA 1.1.8m

Alternatives to arrest may be used when they will suffice as well as, or better than, an arrest. Officers should consider the following when considering an alternative to arrest:

- The degree and severity of the offense
- Risk the suspect will commit another crime
- Past criminal history of the suspect
- Age and condition of the suspect
- Risk for further danger

ARRESTEE'S DEPENDENTS

Officers should provide persons taken into custody with an opportunity to arrange care for children or persons dependent upon the arrestee for care. The existence of dependents should not be the determining factor as to whether the arrestee is held in custody or released.

Whenever an arrestee is taken into custody and is accompanied by a child or other dependent:

- If another appropriate adult is present with the arrestee, the arrestee will be permitted to place the dependent in the care of that adult
- If another appropriate adult is not present or refuses custody of the dependent, the dependent will be transported to a police facility according to department guidelines. A reasonable effort will be made to arrange for alternate care
- If alternate arrangements cannot be made within a reasonable period of time, the investigating officer will contact the Department of Children and Families or other appropriate social service agencies to make temporary custody arrangements.

ARREST OF A POLICE OFFICER

All reports of possible criminal activity implicating police officers shall be received, documented and fully investigated by a supervisor, regardless of the involved officer's employer. Officers shall immediately notify and request a supervisor upon arrival at an officer involved incident.

The supervisor shall make an arrest if probable cause exists and an arrest is warranted. If the offender has left, the supervisor shall insure appropriate information is obtained, a search is conducted when necessary, and an arrest warrant is obtained.

Whenever a Yale University police officer is arrested, the supervisor shall comply with the provisions of General Order 305. If the individual under arrest is a member of another police department, the Chief of Police or designee at that department must be immediately notified. At the request of that department, the officer's service weapon must be seized. Any other weapons owned by or at the disposal of the officer should be removed when such removal is authorized by law or on consent.

The investigating supervisor shall make appropriate notifications through the chain of command and to the State's Attorney's Office when a criminal incident involves a police officer. If a member of this department is arrested, the Professional Standards Officer or a supervisory investigator will conduct a separate administrative investigation consistent with General Order 305. The officer may be placed on leave pending the outcome of the investigation consistent with the applicable provisions of the parties' collective bargaining agreement.

MASS ARREST PROCEDURES

Prior planning for mass arrests assists in the orderly processing of prisoners and should occur when there is advance knowledge of a demonstration or disturbance and mass arrests are likely. The following actions are recommended:

- Arrange for transportation (i.e. buses)
- Ensure adequate supply of equipment and personnel
- Coordinate with State's Attorney's Office and Court for persons not released
- Coordinate with New Haven Police Department and Department of Corrections

All arrestees should be handcuffed, searched and photographed at the scene with the arresting officer. Positive identification should be obtained from the arrestee and entered in the mass arrest log.

Prisoners may be transported by prisoner conveyance or buses. If buses are used:

- Only two prisoners will be seated in each seat
- An officer will be posted at the front and rear of the bus
- The bus may be driven by anyone qualified to do so, preferably a police officer

Booking and processing of prisoners will occur at a location designated by the Incident Commander. If maximum capacity is reached in the prisoner holding area, other departments will be used to house excess prisoners.

Supervisors anticipating mass arrest incidents will make appropriate notifications through the chain of command to ensure adequate personnel and equipment are available to manage the incident.

DOCUMENTATION OF ARRESTS

All arrests by members of this Department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. In most instances, reports and ancillary paperwork should be submitted, along with any evidence, prior to the officer terminating his or her shift. Supervisors may make exceptions for minor non-custodial offenses. If an officer is injured or otherwise incapacitated or experiences a family emergency and is unable to complete necessary reports, the on duty supervisor will assign another officer to prepare reports and ancillary paperwork.

PER ORDER OF

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Ronnell A. Higgins" and is written in a cursive style.

RONNELL A. HIGGINS
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

THIS ORDER SUPERSEDES GENERAL ORDER 311 ARRESTS, ISSUED ON 3/19/2012.