

	YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i>	ORDER TYPE: NEED TO KNOW 425 FAMILY VIOLENCE INVESTIGATIONS	
		EFFECTIVE DATE: 01 JAN 2021	REVIEW DATE: ANNUAL

PURPOSE

The purpose of this general order is to conform to the family violence model policy mandated by Connecticut law which was published by the Police Officer Standards and Training Council with the public Act No.18-5 updates.

POLICY

The policy of this Department is that family violence be treated as violent criminal behavior and, consistent with this policy, that officers fully comply with the Family Violence Prevention and Response Act to:

- Make arrest decisions in such cases in accordance with traditional probable cause standards and existing state statutes;
- Protect victims of domestic violence and provide them with relevant information regarding the availability of community services and support; and
- Promote officer safety when dealing with family violence situations.

DEFINITIONS

Family Violence	An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does NOT constitute family violence unless there is present danger and the likelihood that physical violence will occur.” Verbal abuse or argument is the first exception to CT’s mandatory arrest policy.
Family Violence Crime	A crime as defined in section 53a-24, other than a delinquent act as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. Conn. Gen. Stat. §46b-38a(3) (2013).
Family or household member	Means any of the following persons, regardless of the age of such person: (A) Spouses or former spouses; (B) parents or their children; (C) persons related by blood or marriage; (D) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (E) persons in, or who have recently been in, a dating relationship.
Dominant Aggressor	Means the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime.
Possess	Per CGS §53a-3(2) , means to have physical possession or otherwise to exercise dominion or control over tangible property

<p>Safety Plan</p>	<p>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. 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. Age appropriate Safety Planning is also important for child survivors/witnesses of domestic violence.</p>
<p>Short Term Safety Plan</p>	<p>An immediate plan developed at the time of the report. A responding police officer should remain on scene or with the victim and assist the victim with this plan. These steps include but are not limited to:</p> <ul style="list-style-type: none"> • Creating a plan as to what to do next. • Ensuring that the victim and the child(ren) have the ability to call 911. • Ensuring that the victim can get to a safe location. • Calling friend, family member or advocate for support. <p>Going to a safe place for the night.</p>
<p>Long-Term Safety Plan</p>	<p>A long-term 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.</p>
<p>Trauma Informed Care</p>	<p>By law, police officers and family violence intervention unit counselors must give family violence victims contact information about 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 or trauma and violence on a person. The Act adds that the services be delivered by a regional family violence organization that employs or provides referrals to counselors who:</p> <ul style="list-style-type: none"> • Make available to family violence victims resources on trauma exposure and its impact on treatment, • Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma, • Emphasize continuity of care and collaboration among organizations that provide services to children, and <p>Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.</p>
<p>Conditions of Release Order</p>	<p>For family violence should be set by Law Enforcement or Bail Commissioner upon release from custody, and remains in effect until arraignment. For Law Enforcement specifically, in addition to completing the JD-CR-146, the duty supervisor shall ensure that the conditions and restrictions are entered into NCIC as a File 20 with restrictions.</p>

<p>Protective Order</p>	<p>An order issued by a criminal court judge and is directed against a defendant who has been arrested for a family violence crime or whenever a protective order is an appropriate remedy in a criminal case.</p> <ul style="list-style-type: none"> • 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. • 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. • Pursuant to 53a-223, no person who is listed as a protected person in any order of protection may be liable for: <ol style="list-style-type: none"> 1) Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or Conspiracy to violate such order.
<p>Restraining Order</p>	<p>An order 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.</p>
<p>Civil Protection Order</p>	<p>Means an order of 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.</p>
<p>Foreign Order of Protection</p>	<p>Any protection order, 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.</p>
<p>Standing Criminal Protective Order</p>	<p>Means a criminal order of protection issued by a criminal court judge at the time of an offenders sentencing. The order 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.</p>
<p>Conditions of Release Order</p>	<p>For family violence 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 duty supervisor shall ensure that the conditions and restrictions are entered into NCIC as a File 20 with restrictions</p>
<p>Speedy Information</p>	<p>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 two considerations:</p> <ul style="list-style-type: none"> • How proximate in time the information is to the crime; and <p>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).</p>

<p>Advocacy</p>	<p>Means collaboratively working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach. Both in person or phone advocacy and support are provided by the program’s qualified staff and volunteers to domestic violence clients</p>
<p>Child and Family Advocate</p>	<p>A person who is employed by and under the control of a direct service supervisor of a domestic violence agency whose primary role is to provide services, support and advocacy services to sheltered and non-sheltered child, adolescent and teen victims of domestic violence and their families.</p>
<p>Family Violence Victim Advocate - FVVA</p>	<p>A person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty 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</p>

PROCEDURES

The YPD family violence investigations consists of the general principles identified as follows:

Telecommunication Personnel

When taking a call for service, telecommunication personnel should follow department protocol when obtaining information regarding a family violence incident. Particular attention should be paid to the following:

Telecommunication personnel will:

- The caller's name and relationship to the offender;
- The victim's name and the offender's name, and their relationship to each other;
- The nature of the abuse, or suspected or sustained injuries;
- Previous complaint history;
- Whether the victim has a current Order Of Protection;
- Whether a court order of protection is in place;
- Check the Connecticut Protective Order Registry – File 20 and relay to the responding officer;
- Whether children are involved;
- Whether weapons were used, threatened or stored at the location;
- Whether there is a presence of alcohol, drugs, or mental illness; and
- Telecommunication personnel are reminded that family violence victims are provided with the incident case number and contact information for the department, so they can obtain periodic updates as to the offender’s incarceration status. Telecommunications personnel shall assist victim(s) who make inquiries about defendants who are in police custody.

Responding Officer

The initial contact between the first officer and the victim creates a lasting impression on the victim. Officers should consider this as an opportunity to insure the victim the investigation will be completed competently and professionally.

Responding Officers will:

- Regard all family violence calls as “high risk”;
- Assess the victim’s medical condition and arrange for immediate care, if necessary;
- 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;
- Ask whether there are firearms or other dangerous weapons present ;
 - Seize any firearms in plain sight,
 - Ask that firearms not in plain sight be voluntarily surrendered to the officer,
 - Ask for consent to search, if necessary.
 - Render the firearm(s) safe, transport them to the NHPD property room and complete a Receipt for Seized Property.
- 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 weapon.”
- If the officer has dual complaints with PC for each, the officer should conduct a Dominant Aggressor Analysis applying the following five (5) considerations and arrest only the dominant aggressor
 - The officer 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 family violence between such persons, if such history can reasonably be obtained by the peace officer.
- Once the victim or non-dominant aggressor has been identified, if needed, conduct the LAP according to GO 425A.
- Determine whether children are present and;
 - Make sure they are safe and unhurt.
 - If child abuse and/or neglect is suspected, or if the child was placed in imminent risk of serious harm, report to DCF by phone (DCF Law Enforcement Hotline 860.550.6550) as soon as practical but not later than 12 hours after the incident and complete form DCF-136 within 48 hours of making the oral report to DCF.
 - Interview children as witnesses according to circumstances and department policy (GO 417); make arrangements for their care if dual custodial arrests are made;
 - Do not use children to serve as an interpreter for the adult.
- If abuse and/or neglect of an elderly person or a person with intellectual disability is suspected, complete the required reports and/or notifications;
- Obtain a statement from the victim
- When possible, photograph the scene and any visible injuries on the victim;
- Determine if self-defense exists and take appropriate action;
- Give the victim(s) a “Victim of Crime Card” containing information about victims' rights and phone numbers for services;
- Notify the victim of their right to file an affidavit for a warrant for arrest;
- Officers should refer to SOP-663 PROTOCOL FOR THE TREATMENT OF DOMESTIC VIOLENCE VICTIMS OF QUESTIONABLE IMMIGRATION STATUS.
- Help the victim to develop a short-term safety plan.
- Advise the victim of their right to complete and file an affidavit with the State’s Attorney’s Office.
- Explain to the victim the process for arrest, arraignment and bond, including the following:
 - The offender will be arraigned on the next available court date.
 - Prior to arraignment, the victim can meet with or call a family violence victim advocate (FVVA)

whose phone number is listed on the "Victim of Crime Card" under Domestic Violence Programs.

- Victim safety is enhanced when she/he has information in regard to the offender's incarceration status. The offender might not be held overnight, and may be released shortly after the arrest. A representative of the arresting agency shall provide the victim (s) with the incident case number and appropriate contact information for the department. Victim (s) are to be encouraged to contact the department, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate.
- When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, she/he should request that the recorded call be preserved and logged in as evidence.
- Complete and file a Family Violence Offense Report, DPS-230-C whether there is an arrest or not.
- If unsure of how to proceed in any situation, seek guidance from the supervisor.
- The Sensitive Crimes and Support Coordinator can be contacted for additional information or resources.

Supervisors will

- Conduct a probable cause review at the scene (when necessary) and review all arrests; dominant aggressor and duel arrests.
 - If an Officer has PC for the non-dominant aggressor and wants to arrest that party the State's Attorney form should be submitted. See Arrest Guidelines and Duel Arrests section for further info.
- Ensure that all state forms are properly completed, filed and forwarded.
- Ensure that follow-up investigative responsibilities and victim safety and offender release considerations are coordinated to allow for shift changes and/or referral to specialized units.
- Expedite arrest warrant executions upon approval from the court.
- Be aware that any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear (CGS 54-63c(a)).
- The supervisor shall insure that the officer has completed a Conditions of Release-Family Violence Form (JD- CR-146) and the form is either attached to the wagon slip or brought to NHPD detention in accordance with SOP 657-FAMILY VIOLENCE CONDITIONS OF RELEASE FORM. A copy should also be put into the report.
- Conditions of release for family violence should be set by the NHPD Front Desk Supervisor or the bail commissioner. Either the NHPD Front Desk Supervisor or the bail commissioner should enter a File 20 into NCIC, with restrictions.

ARREST GUIDELINES

General Considerations

- Whenever an officer determines upon speedy information that a family violence crime has been committed within their jurisdiction, the officer shall arrest the person or persons suspected of its commission and charge them with the appropriate crime(s).
- When complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether probable cause to arrest exists. They will conduct a Dominant Aggressor Analysis and arrest the party identified as the dominant aggressor.
- When an officer reasonably believes that a party in an incident of family violence has used force as a means of self-defense, the officer is not required to arrest the party defending themselves.
- Officers investigating an incident of family violence shall not threaten, suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.
- Officers should emphasize to the parties the criminal nature of family violence and that the criminal action is being initiated by the State, not the victim.
- Officers 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 her/his children.

- Whether or not an accused posts bond, he or she shall be scheduled for arraignment before the superior court for the geographic area where the offense is alleged to have been committed on the next regularly scheduled day of court business. [CGS 54-1g]
- If an arrested person is hospitalized, or has escaped or is otherwise incapacitated, the person shall be presented, if practicable, to the first regular court sitting after return to police custody.
- If the investigating officer believes probable cause exists for an arrest of the individual who has been identified as the Non-Dominant Aggressor, that officer is instructed to fill out and submit the State's Attorney Request for Review and Advise form attaching a copy of the report, and sending the packet to court for advice and review. The State's Attorney will then advise one of the three things:
 - Prosecution has been declined
 - More information is requested
 - A request for the Officer to submit a warrant application

Prohibited Considerations

The decision whether to arrest should NOT be influenced by:

- The specific consent or request of the victim.
- The relationship of the parties. The seriousness of crimes committed between family or household members is not mitigated because of the relationships, living arrangements or gender of those involved.
- The victim's previous unwillingness to participate in the complaint or arrest process. Often, a victim may be immobilized by fear. Officers should treat each incident with equal importance. There is no way to tell, for example, when a victim may be in more danger or when an abusive partner may become more violent.
- The number or frequency of calls for police assistance at a particular location. It is well documented that the level of violence may increase over time and escalate significantly when a victim seeks assistance.
- The victim's wishes to not have the suspect arrested. Officers should emphasize that criminal action is being initiated by the state, not the victim.
- Assurances from the offender that the violence will cease. If probable cause for an arrest exists the officer must proceed accordingly.
- Pursuant to CGS 1-210 (G), law enforcement agencies shall redact the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, [or] injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof, or (H) uncorroborated allegations subject to destruction pursuant to section 1- 216 , from any arrest record released to the public.

Juvenile Offenders

- Although juveniles are included in the definition of family members, the law specifically excludes "delinquent acts" (ie: crimes committed by juveniles) from the definition of family violence crimes. Therefore, the mandatory arrest, next day court appearance and conditions of release provisions which apply to adult offenders do not apply to juvenile offenders unless they are emancipated. Emancipated minors are not considered juveniles and are treated as adults under the law.
- When probable cause exists to believe a juvenile involved in a family violence incident has committed a crime, appropriate enforcement action should be taken.
- If the offense committed is a Serious Juvenile Offense, the officer should seek a court order to detain the child in a juvenile detention center.
- Complete and file a Family Violence Offense Report, DPS-230-C whether there is an arrest or not.
- See GO-417-Juvenile Matters for further guidance on handling juveniles.

JURISDICTION

Misdemeanor Arrests

Officers may arrest for misdemeanor crimes only within the geographical boundaries of the territory covered by their department, with two exceptions:

- An officer may arrest outside of their jurisdiction anywhere within Connecticut if there is probable cause based on "speedy information" that the crime(s) occurred within their precinct and the officer is in immediate pursuit of the suspect.
- An officer may arrest anywhere within Connecticut if their department holds a valid arrest warrant for the accused.

Felony Arrests

- An officer may arrest anywhere within Connecticut if they have probable cause to believe the suspect has committed a felony.
- "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.
- A criminal violation of an order of protection is a felony crime, and could be deemed to impact the safety of the victim. If a warrantless arrest is not made, an arrest warrant application and an execution of a warrant should be expedited.

WARRANT ARREST CONSIDERATIONS

- In family violence cases, an arrest warrant should be sought only in limited circumstance, such as:
 - When further investigation is needed to establish probable cause;
 - When the offender cannot be located pursuant to speedy information;
 - For a misdemeanor arrest when there is no speedy information; and
 - For a felony arrest when there is no speedy information, unless there is a concern for safety and/or flight. A criminal violation of an order of protection is a felony crime and should be deemed to impact the safety of the victim.
- Once an officer has determined that probable cause exists, an arrest warrant should be sought as soon as possible.
- 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.
- 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.

SELF-DEFENSE

It is not uncommon for the victims of family violence to defend themselves from abusive partners. It is also not unusual for offenders to claim that they were acting in self-defense in an effort to justify their violent or threatening act or to attempt to punish the victim for summoning law enforcement. As a result, when officers respond to complaints of family violence they often face dual complaints from multiple parties. Such situations require responding officers to investigate each complaint separately and determine if either party used force as a means of self-defense. If an officer is unsure how to proceed in a situation involving self-defense and/or dual complaints, the officer should contact a supervisor and/or state's attorney.

- The law in Connecticut recognizes that the use of physical force upon another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances.
- When attempting to determine whether 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 their own judgment about the

reasonableness of these “beliefs”. In making these judgments the officer must first consider:

- The situation from the perspective of the person acting in self-defense;
 - what did the person actually believe, and
 - Whether a reasonable person in the actor's circumstances could have reached that belief.

Dual Complaints

Public Act 18-5 mandates that when an officer has complaints by two or more opposing persons and probable cause for both, the officer has discretion to arrest one or both. The officer shall evaluate each complaint separately to determine which person is the dominant aggressor.

- After conducting a dominant aggressor analysis if an officer determines they have identified who the dominant aggressor is then they arrest that person.
- If the officer and or the supervisor feels the second party (Non—Dominant Aggressor) should be arrested and they have PC to arrest either on sight or through a warrant the person determined not to be the dominant aggressor then they should fill out the State’s Attorney Review form.
- After State's Attorney review the officer will receive the form back with instructions on whether prosecution of the second party has been declined, or instructions to prepare a warrant for the non-dominant aggressor and or a request to provide additional information.
- The use of the State’s Attorney Review and second step for a duel arrests has been construed to discourage, when appropriate, but not prohibit, dual arrests.

OFFICER INVOLVED DOMESTIC VIOLENCE CASES

Police departments must recognize that the law enforcement personnel, whether sworn or civilian, are not immune from committing domestic violence against their intimate partners or being victims of domestic violence. Although no person is exempt, whatever their occupation, from the consequences of their actions that result in a violation of law, the dynamics between the responding and accused officers have the potential for making on-scene decisions additionally difficult.

Sworn Personnel from an Outside Agency

- If an officer from another police agency is involved in a family violence incident and probable cause exists for the officer’s arrest, the officer shall be arrested.
- The highest-ranking on-duty shift supervisor shall notify the officer’s agency as soon as possible, but no later than by the end of the Supervisor’s shift.

Sworn Yale Police Officer

- If a sworn officer of this department is involved in a family violence incident and probable cause exists for the officer’s arrest, the officer shall be arrested.
- The highest-ranking on-duty Shift Supervisor shall notify:
 - Captain of Community Patrol & Emergency Services
 - Captain of Support services
 - Office of Professional Standards
- If the family violence incident is investigated by this department, it will be criminally investigated by an officer at least one (1) rank higher than the officer involved in the incident.
- A separate Internal Affairs investigation will be conducted concurrent with or upon the conclusion of the criminal investigation.
- If a court order (i.e., Protective or Civil Restraining Order) is issued against the officer,
 - The officer shall surrender all law enforcement agency issued firearms to the Chief of Police or his designee,
 - The officer shall be prohibited from carrying a firearm while the Order is in effect.

- By law, the officer is required to surrender all other firearm(s) or electronic defense weapon(s) to the Public Safety Commissioner (DESPP), or a federally licensed firearms dealer for sale. In addition, the officer is required to provide the Chief of Police & Director of Public Safety or designee proof of compliance with this requirement.
- If the officer possesses a state pistol permit, they will surrender the permit to the State of Connecticut Department of Emergency Services and Public Protection, Division of State Police, within the guidelines of the court order.
- The Chief of Police or his designee may:
 - Suspend without pay or place the officer on administrative leave; OR
 - Assign the officer to administrative duties.

ORDERS OF PROTECTION (OOP)

An OOP is a court's finding that a named protected party(ies) is in imminent danger or risk of harm, from a named, identified respondent. In the interest of immediacy, and in light of the threat always present when an order of protection is violated, coupled with the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an ex parte restraining order, a restraining order, protective order, standing order of protection, or a foreign order of protection.

- Connecticut has several types of orders of protection available for victims of family violence including:
 - Restraining Order (RO)
 - Protective Order (PO)
 - Standing Criminal Protective Order (SCPO)
 - Foreign Orders of Protection
 - Conditions of Release (COR) (that include "no contact with the victim" and "not to use or possess dangerous weapons.")
 - Common Law Restraining Orders

It is important for police officers to understand and always remember that orders of protection are issued by the court, against the offender, for the protection of the victim. They restrict the offender's behavior and only the offender can violate the orders. Victims cannot be arrested for conspiring to violate orders.

Verification of an Order of Protection

- Protective Order (PO), Standing Criminal Protective Order and Restraining Order Violations are felonies pursuant to Conn. Gen. Stat. §53a-223, 53a-223(a), 53a-223(b).
- Any law enforcement officer may enforce any OOP where they have a good faith basis to believe it is valid.
- The best way to verify an OOP is to check with the Connecticut Registry of Protective Orders– File 20.

DOMESTIC VIOLENCE ALERT NOTIFICATION/GPS PROGRAM

The State of Connecticut Judicial Branch has initiated a GPS monitoring program (*Alert Notification/GPS*) to alert protected persons in high risk domestic violence cases that an offender is within a predetermined area using GPS technology. 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. 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.

Alerts:

- An alert is triggered if: 1) The offender breaches one of the restricted areas, 2) the ankle bracelet is tampered with, 3) the battery is not charged or, 4) a GPS signal cannot be located

If an alert is triggered, the GPS monitoring company will:

- Notify the protected person(s) and advise them to activate a pre-established safety plan.
- Notify the appropriate law enforcement jurisdiction and: advise them to activate a pre-established safety plan.

Notify the appropriate law enforcement jurisdiction and:

- Provide the location and direction of travel of the offender and/or other pertinent information.
- Provide information that will assist responding officers in locating the protected person.
- 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.

Officers dispatched to an Alert Notification/GPS should:

- Locate and ensure the safety of the protected person(s).
- With due caution - attempt to locate the offender.
- Determine the reason(s) for the notification.
- 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.
- Document all information in an incident report.

DOMESTIC VIOLENCE PERSONAL PROPERTY RETRIEVAL

When a judge issues an order enjoining the offender from entering their family dwelling, the offender likely will be advised that they may contact the police for a **one-time** escort to retrieve personal belongings. When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by an officer, to retrieve belongings:

- Initiation of the retrieval shall be at the discretion of the department in a time period that is reasonable and practical.
- The officer must verify the existence, validity and expiration date of the order.
- The officer must check to ensure that the retrieval has not already been completed by another officer.
- The officer must contact the protected party to arrange a time for the retrieval.
- If the officer is unable to make contact with the protected party, or if children are present, the retrieval should be scheduled for another date/time.
- The officer is to accompany the respondent throughout the entire retrieval.
- If they wish to do so, the protected party should be allowed to accompany the officer and respondent during the retrieval.
- The retrieval should last no longer than 10 to 15 minutes, as the respondent is only retrieving essentials (clothes, toiletry, medication, etc.). Other non-essential or valuable items used by the protected party and/or children (groceries, electronics, jewelry, furniture, etc.) are not to be removed from the dwelling.
- The officer must document that the retrieval has occurred in a written offense report (Incident Code 2014).
- The protected party must have prior notice by the department, and must agree to the timing of the retrieval.
- The respondent must not be allowed to use this as a means of harassing the protected party.
- If it is not practical or safe for the victim to accompany the officer and the offender during the proper retrieval, the officer shall review with the victim, before the officer or the offender leave the premises, what essential items the offender is seeking to remove from the residence.

WEAPONS

Effect of a Court Order of Protection

- Not later than two business days after the occurrence of any event that makes a person ineligible to possess a firearm and ammunition, the person must;

- Transfer for sale or sell to a federally-licensed firearms dealer, any firearm and ammunition in their possession , or
- Deliver or surrender firearms and ammunition to the Commissioner of Emergency Services and Public Protection.
- Persons subject to an OOP are prohibited from possessing a firearm or electronic defense weapon.
- Persons subject to a COR “no use or possession of a dangerous weapon” are prohibited from possessing any dangerous weapons.
- Current statute creates an exception for ex-parte orders and therefore does not trigger mandatory surrender. For ex parte orders officers should seek a voluntary surrender.
- Federal Domestic Violence Laws prohibit the possession of firearms or ammunition by any person, including a police officer, who has been convicted in any court of a family violence crime.
- Although CGS §29-36k requires firearms to be delivered or surrendered to the Commissioner of Emergency Services and Public Protection, the department should accept any delivered or surrendered pistols and revolvers and forward them to the Commissioner of Emergency Services and Public Protection.

Permit to Carry

- The issuing authority of a state permit or temporary or state permit to carry a pistol or revolver must revoke the permit if the person holding the permit becomes subject to an OOP in a case that involves the use, attempted use, or threatened use of physical force against another person.
- Within five days of receiving written notice that a permit has been revoked, the holder of the permit must surrender the permit to the issuing authority.
- If an offender does not surrender the permit, they should be arrested for Failure to Surrender Permit to Carry a Pistol or Revolver, and the permit should be confiscated and immediately forwarded to the Commissioner of the Department of Emergency Services and Public Protection.
- Any local issuing authority that revokes a permit must notify the Commissioner of the Department of Emergency Services and Public Protection of the revocation, and any revocation of a state permit by the Commissioner of the Department of Emergency Services and Public Protection requires notification of the local issuing authority.

Seizure of Firearms as Evidence of a Family Violence Crime

- Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm at the location where the crime is alleged to have been committed in the possession of the offender/suspect or in plain view.
- 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.

Use of Threatened Use of a Weapon in a Family Violence Crime

- In responding to family violence incidents, officers shall; investigate and arrest in accordance with relevant Connecticut 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 family violence crime(s) that person should be arrested for all appropriate crimes and the weapon should be seized as evidence of the crime(s).
- The offender should be arrested for Criminal Possession of a Pistol or Revolver (CGS §53a- 217c), and the weapon should be seized as evidence of the crime whenever a pistol or revolver is found in the possession of an offender who:

- knows they is subject to a RO, PO or SCPO issued by the court, after notice and an opportunity to be heard, in a case involving the use, attempted use or threatened use of physical force against another person; or
 - has been convicted of a felony;

Seizure of Firearms from Person Posing Risk to Self or Others

A judge may issue a search and seizure warrant to search for and take custody of any firearms when any two officers (or any prosecutor) complain on oath that there is probable cause to believe:

- A person poses a risk of imminent personal injury to them self or to other individuals,
- The person possesses one or more firearms, and
- The firearm or firearms are within or upon any place, thing or person.

FEDERAL DOMESTIC VIOLENCE LAWS

The possible or potential applicability of any of the federal family violence laws discussed in the following material does not preclude an officer's responsibility to comply with Connecticut's family violence laws and mandatory arrest provisions, as Connecticut and federal law can have concurrent jurisdiction.

If an officer believes that a person may have violated a provision of VAWA, they should forward copies of the case report and all supplemental reports to one of the United States Attorney's Office (see below) for review by an Assistant United States Attorney who will determine whether the situation warrants prosecution on federal charges.

The offices of the United States Attorney for the District of Connecticut are located at:

Office of the United States Attorney

157 Church Street

New Haven, Connecticut 06508

(203) 821-3700

Summary of Applicable VAWA Sections

Full Faith and Credit: Title 18 USC §2265 and §2266

- 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.
- 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.
- The provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, 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.

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. Disposal, Receipt or Possession of a Firearm: Title 18 USC §922(d) and (g)

- 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.
- 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.

Section 922(g)(9) prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a family violence crime (a family 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 family violence crime.

Interstate Domestic Violence: Title 18 USC §2261(a)(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 injure, harass, or intimidate a spouse or intimate partner. This provision is violated when a person, after the crossing, then intentionally commits a violent crime or causes a bodily injury.

Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud: Title 18 USC §2261(a)(2)

- Violation of this provision occurs when the defendant by force, coercion, duress or fraud, causes a spouse or intimate partner to cross state lines (or leave or enter Indian territory) and in the course or as a result of that conduct, intentionally commits a crime of violence. Bodily injury to the victim is also required.

Interstate Stalking: Title 18 USC §2261A

- 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 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 family.

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

- 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 (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.

PER ORDER OF



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

**THIS GENERAL ORDER SUPERSEDES SOP 624- DOMESTIC VIOLENCE INVESTIGATIONS, ISSUED 01-24-2002,
GENERAL ORDER 425 FAMILY VIOLENCE INVESTIGATIONS, ISSUED ON 11-20-2014 AND ISSUED 01-01-2020.**

**SEE BELOW APPENDIX TO THIS GENERAL ORDER FOR THE STATEWIDE MODEL POLICY CHART ON ORDERS OF
PROTECTION.**

APPENDIX TO GENERAL ORDER 425 FAMILY VIOLENCE INVESTIGATIONS

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 such order.

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 §3a-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 the safety of the victim and dependent children. 	<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 [CGS §3a-107] if in violation of PO.

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.

<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
	<ul style="list-style-type: none"> ➤ Issued by a criminal court judge at the time of sentencing. 	<ul style="list-style-type: none"> ➤ Orders issued prior to Oct. 2010 could last indefinitely. 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. §53a-223a) (D Felony)

<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"> ➤ 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 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. 	<p>protected person (partial/limited order).</p> <ul style="list-style-type: none"> ➤ 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"> ➤ 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.
<p>Foreign Orders of Protection (C.G.S. § 46b-15a)</p>	<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; ➤ 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"> ➤ Criminal Violation of a Foreign Order of Protection (C.G.S. § 53a-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, 	

				<p>assault, intimidating a witness, etc.).</p> <ul style="list-style-type: none"> ➤ Criminal Trespass 1st [CGS 53a-107] if in violation of FOP. ➤ May be federal violation – contact US Attorney
<p>Conditions of Release (COR) (C.G.S. §§ 53a-222, 53a-222a, 54-63c, 54-63d)</p>	<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; or ▪ A judge. ➤ To verify: <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. 	<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 effect for the duration of the case or until further order of the court. 	<p>Law Enforcement:</p> <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 any deadly weapons, intoxicant, or controlled substance; ➤ Avoid all contact with alleged victim. <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. 	<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 their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➤ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. § 53a-222a). (A misdemeanor) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault,

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>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>molestation or attack of victim (C Felony).</p> <ul style="list-style-type: none"> ➤ 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>Civil Protection Order (CPO) (CGS §46b-16a) **New 2015**</p>	<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 §3a-223c) (D Felony)
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 	<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; 	<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.
	<p>stay away orders, orders around exclusive possession of the home.</p> <ul style="list-style-type: none"> ➤ While these orders are not technically Orders of Protection, they are valid orders of the court and govern the conduct of the relevant parties. 		<ul style="list-style-type: none"> ▪ Stay away orders – from a particular party or location. 	