PURPOSE
The purpose of this general order is to comport with the model family violence policy mandated by Connecticut law and published by the Police Officer Standards and Training Council.

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 (“Duty to Protect”); and
- promote officer safety when dealing with family violence situations.

DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Family Violence</td>
<td>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 shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.” Conn. Gen. Stat. § 46b-38a(1) (2013).</td>
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<tr>
<td>Family Violence Crime</td>
<td>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).</td>
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<tr>
<td>Family or household member</td>
<td>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 other than those persons described in subparagraph (C) of this subdivision presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.” Conn. Gen. Stat. § 46b-38a(2) (2013).</td>
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<tr>
<td>Safety Plan</td>
<td>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 adult 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. Age appropriate Safety Planning is also important for child survivors/witnesses of domestic violence.</td>
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| **Short Term Safety Plan** | 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:  
• 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.  
• Going to a safe place for the night. |
| **Long Term Safety Plan** | 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. |
| **Trauma Informed Care** | 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:  
1. Make available to family violence victims resources on trauma exposure and its impact on treatment,  
2. Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma,  
3. Emphasize continuity of care and collaboration among organizations that provide services to children, and  
4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care. |
| **Advocacy** | Collaboratively working with, and in support of, a survivor 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. |
| **Family Violence Victim Advocate (FVVA)** | A nonprofit advocate who is a certified domestic violence counselor trained in providing trauma-informed care. She/he provides individual, fully confidential counseling, safety planning and other outside services to the victim and her/his family. Some of these services include application for crime victim’s compensation and registering for electronic victim notification (SAVIN). She/he will inform the crime victim of her/his constitutional rights as a victim, explain what to expect during the criminal case, and help her/him navigate through the court system. She/he provides information about the court case, including protective orders and restraining orders, to help victims make informed decisions. The FVVA can let the court know what the victim wants to have happen in the case she/he is involved with. The FVVA also provides information and referrals regarding available community services, and will help the victim develop a long-term safety plan. |
| **Conditions of Release Order** | 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. |
| Restraining Order | 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. |
| Protective Order | 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.  
• 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 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.  
• 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:  
  1) Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or  
  2) Conspiracy to violate such order. |
| Foreign Order of Protection | 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. |
| Possess | to have physical possession or otherwise to exercise dominion or control over tangible property. |
| Speedy Information | 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:  
• How proximate in time the information is to the crime; and  
• 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). |
| Dangerous Weapon | BB. gun, blackjack, metal or brass knuckles, or any dirk knife, or any switch knife, or any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, or stiletto, or any knife the edged portion of the blade of which is four inches or more in length, any police baton or nightstick, or any martial arts weapon or electronic defense weapon, as defined in section 53a-3, or any other dangerous or deadly weapon or instrument. |

**PROCEDURES**

**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:
• 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 ;
  o seize any firearms in plain sight,
  o ask that firearms not in plain sight be voluntarily surrendered to the officer,
  o ask for consent to search, if necessary.
  o 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.”
• determine whether children are present and;
  o make sure they are safe and unhurt.
  o 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.
  o Interview children as witnesses according to circumstances and department policy (GO 417); make arrangements for their care if dual custodial arrests are made;
  o 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, and when appropriate, a signed medical release form with victim’s consent;

**GENERAL ORDER 425  FAMILY VIOLENCE INVESTIGATIONS**
• carefully document the condition of the scene;
• 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;
• 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. 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. Officers should refer to SOP-663 PROTOCOL FOR THE TREATMENT OF DOMESTIC VIOLENCE VICTIMS OF QUESTIONABLE IMMIGRATION STATUS.
• Before leaving the scene, identify the local domestic violence service provider, and 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:
  o The offender will be arraigned on the next available court date.
  o 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.
  o 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, and will help the victim develop a long-term safety plan. (*The FVVA will only disclose information as allowed by the victim - otherwise any information given by the victim to the FVVA is confidential.)
  o 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.
  o In domestic violence incidents or investigations of order of protection violations, officer should 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.
• 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.
• Document any visible injuries within the report.
• Document any verbal statements made by victim(s) or offender(s).
• 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.

Supervisor
• Conduct a probable cause review at the scene (when necessary) and review all arrests; dual arrest and self-defense issues.
• Ensure that all reports, including the DPS-230-C, 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 Chief of Police shall designate a supervisor(s) to expeditiously review and oversee the Police Response to Crimes of Family Violence Model Policies, Procedures, and Guidelines and to enhance the department’s response to victims, community, and court personnel with respect to family violence.

• 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.

• 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.

• The NHPD Front Desk Supervisor is responsible for setting bail after arrest. In the rare instance when a Bail Commissioner reduces the bond set by law enforcement, the supervisor, who has concern for the safety of the victim, may contact the State’s Attorney within the jurisdiction, to override the Bail Commissioner’s recommendation until the arraignment.

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).

• The FVPRD does not alter standards for arrest. Traditional constitutional and statutory standards, including CGS §54-1f guidelines, should direct decisions and procedures for making and processing family violence arrests. An officer must determine that probable cause exists for any charge which forms the basis for an arrest.

• 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.

• When two or more parties make complaints of violence, the officer should consider whether either party acted in self-defense.

• 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 themself.

• 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.

• Officer 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.

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 fact that civil proceedings such as separation, divorce or custody disputes are pending. 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 take steps to seek protection and/or to leave a violent relationship.

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.

**Juvenile Offenders**

- Family violence statutes mandate arrests and next day court appearances and allow police officers to set conditions of release for family violence crimes.
- 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. (An emancipated minor is a juvenile, 16 or 17 years old, who has been emancipated by the court. 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.
- The Family Violence Incident report (DPS-230-C) must still be filed.
- 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.

**WARRANTLESS (ON SITE) ARREST CONSIDERATIONS**

Section 54-1f of the Connecticut General Statutes authorizes an officer to arrest, without previous complaint and warrant, any person for any offense (felony or misdemeanor) that occurred within their precinct, when the person is taken or apprehended in the act or on the "speedy information" of others.

**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 AND DUAL COMPLAINTS**

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.

C.G.S. § 46b-38b(a), requires, in part, that; “whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer’s jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime.”

This section of the statute provides the basis for what is commonly referred to as the “mandatory arrest policy” that is central to Connecticut’s family violence laws. The statute also directs the response of law enforcement when dealing with dual or multiple complaints and claims of self-defense in family violence cases which may provide an exception to the “mandatory arrest policy.”
C.G.S. §46b-38(b) provides an exception to the mandated arrest required by subsection (a). “Notwithstanding the provisions of subsection (a), . . . when a peace officer reasonably believes that a party in an incident of family violence has used force as a means of self-defense, such officer is not required to arrest such party under this section.”

Determining whether a person is criminally liable when allegedly acting in self-defense can often be a complex legal issue. 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. C.G.S §53a-19 is applicable in the context of family violence crime and addresses such circumstances.

• C.G.S §53a-19. Use of physical force in defense of person;
  o This statute defines self-defense and the defense of others. In pertinent part, it provides that “a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.

• 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 (1) . . . he provokes the use of physical force by such other person, or (2) is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force . . .” and “a person is not justified in using deadly physical force upon another person if 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 . . .”

• Essentially, the statute requires that, before a person uses physical force in self-defense or to defend a third person, they must have two "reasonable beliefs."
  o that physical force is being used or about to be used upon them or another.
  o that the degree of force they are using to defend themselves is necessary for that purpose.

• 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:
  o 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.

• The analysis can be broken down into 4 steps or elements;
  o the actor actually believed that someone else was using or about to use physical force against them or a third person;
  o the belief was reasonable because a reasonable person in the actor’s circumstances would have shared that belief;
  o the actor actually believed that the degree of force they used was necessary to repel the attack;
  o the 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.
Dual Complaints

C.G.S. §46b-38 further requires that; “(w)here complaints are made by two or more opposing parties, the officer shall evaluate each complaint separately to determine whether such officer should make an arrest or seek a warrant for an arrest.”

Officers should be aware that a victim may be afraid to make true and accurate statements regarding the incident due to fear of further violence by an abusive partner. Each complaint must be carefully and thoroughly investigated prior to making an arrest decision to ensure victims will not be re-victimized by the legal system, or made to fear police intervention. An arrest itself can be particularly traumatic for victims of family violence.

The law requires officers to arrest a person only if there is probable cause to believe that person committed a family violence crime. Officers are prohibited from threatening, suggesting or otherwise indicating the arrest of all parties involved in an incident of family violence for the purpose of discouraging requests for law enforcement intervention by any party.

**Dual arrests should be made only when probable cause exists to charge each party with a crime.**

- In some instances, officers may receive dual complaints, but investigation may only establish probable cause to arrest one of the parties.
- In other instances, there may be probable cause to arrest one party for a family violence crime and the other for a non-family violence charge, such as interfering with an officer. This does not constitute a dual arrest.
- Officers should thoroughly document in the report all claims and complaints, as well as any facts or circumstances that either corroborate or disprove the claim or complaint. An officer should determine what type of arrest is necessary and appropriate under the circumstances, e.g., a misdemeanor summons arrest, a custodial arrest, or, in limited situations, a later arrest by warrant.

**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. The following incident and response protocols are critical components to the integrity of the law enforcement profession and the trust of the community.

**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:
Chief and Assistant Chiefs of Police
Professional Standards Officer

- 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.
- An 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 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 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 designee may:
  - Suspend without pay or place the officer on administrative leave; OR
  - Assign the officer to administrative duties.
  - Pursuant to CGS 4b-38b (d) ensure that the department:
    - assists the victim to obtain medical treatment if such treatment is required.
    - notifies the victim of the right to file an affidavit for a warrant for arrest.
    - informs the victim of services available and referring the victim to the Office of Victim Services or trauma informed care community provider in the region, and
    - remains at the scene for a reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.
- The law enforcement investigator shall help the victim to develop a short-term safety plan.

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.

Once probable cause for arrest has been established and if the offender has left the jurisdiction, the Officer shall notify the dispatcher to advise neighboring jurisdictions or jurisdictions where the offender is believed to have fled, that there is probable cause to arrest the offender and to do so if the offender is located. The investigating officer, as soon as practical, shall prepare an arrest warrant.

- The officer’s authority and mandates to arrest are set forth in CGS §46b-38b, and CGS 54-1f.
- A very important role for law enforcement in family violence cases is the enforcement of Orders of Protection. Police should make use of the Connecticut Protective Order Registry – File 20.
- Officers should be aware that the words “Orders of Protection” generally could refer to any type of order.
- Federal law regarding interstate enforcement of orders of protection, refers to orders of protection in general, which may not correlate with Connecticut’s types of orders.
• Each state has its own type(s) and titles of order(s) that may or may not correlate to one or any of Connecticut’s orders.
• Connecticut has several types of orders of protection available for victims of family violence including:
  o Restraining Order (RO)
  o Protective Order (PO)
  o Standing Criminal Protective Order (SCPO)
  o Foreign Orders of Protection
  o Conditions of Release (COR) (that include “no contact with the victim” and “not to use or possess dangerous weapons.”)
  o Common Law Restraining Orders
• Each type of order has specific characteristics, requirements for issuance and penalties for violation.
• 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.
• Standard conditions in an OOP or SCPO may include provisions enjoining the offender from:
  o imposing any restraint upon the person or liberty of the victim;
  o threatening, harassing, assaulting, molesting or sexually assaulting the victim; and
  o entering the family dwelling or the dwelling of the victim.
• A judge or a bail commissioner can impose on any person charged with a felony, misdemeanor or motor vehicle violation for which a term of imprisonment may be imposed a Condition of Release that they have “no contact with the victim” in that case.
  o A person who intentionally violates that condition should be arrested for Violation of a Condition of Release. [CGS §53a-222 or §53a-222a]
• Special conditions that a judge may order in an OOP include, but are not limited to:
  o No direct or indirect contact with the victim; and
  o Not to go or remain within a specific distance of the victim.

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.

Multiple Orders

In some situations, a victim may obtain a RO and a PO to get all the court ordered protection available. A victim has a right to apply for a RO even if a PO has already been issued. There is nothing in the RO or PO statutes to prohibit a victim from having both orders.

In situations where there are multiple orders, officers should document the existence of issuance date and expiration date of all orders in the report and arrest for any and all valid arrestable violations of such 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.

Another method may include asking the victim if they have a copy of the order.

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 a 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 a 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 are 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.

Police officers should consider this option when investigating incidents of family violence.

FEDERAL DOMESTIC VIOLENCE LAWS

GENERAL ORDER 425  FAMILY VIOLENCE INVESTIGATIONS
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.

The Federal Violence Against Women Act (VAWA) makes criminal certain actions in family violence situations. Several provisions of that Act which may arise during the investigation of family violence situations by Connecticut police officers are described below.

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. (Refer to the section on Enforcement of Foreign Jurisdiction Orders of Protection, page 22).

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

[Signature]

CHIEF RONNELL A. HIGGINS

THIS GENERAL ORDER SUPERSEDES SOP 624- DOMESTIC VIOLENCE INVESTIGATIONS, ISSUED 01-24-2002