

	STAMFORD POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 5.05
		Original Issue Date 12/01/21	Effective Date 12/10/21
Order Title: FAMILY VIOLENCE INVESTIGATIONS		Accreditation Standard: POSTC: 1.7.13	Section 5
		Section Title PATROL FUNCTIONS	
Rescinds: 860 – Family Violence		Timothy Shaw, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this general order is to establish uniform and appropriate response protocols for officers of the Stamford Police Department (“Department”) when responding to, investigating, or otherwise dealing with incidents involving family violence matters.

II. POLICY

It is the policy of the Stamford Police Department that all reported incidents of family violence will be recognized and responded to as criminal activity. This policy will reaffirm the officer’s responsibility for making arrest decisions in such cases in accordance with Connecticut State Statute § 46b-38b. It is imperative that the investigating officer(s) ensure the safety of the victim(s) and proceed with the goal of a successful prosecution, where appropriate. A decision by the victim/accuser not to cooperate with the investigation will not diminish or otherwise affect the requirement of the investigator(s) to corroborate any allegations. Consistent with state law, when probable cause exists, the arrest of the suspect is presumed to be the preferred response to family violence incidents. It is understood that this procedure will not cover every conceivable situation that may arise. When provisions of this rule are found to be incomplete or inapplicable to a particular set of circumstances, officers are expected to act intelligently and exercise sound judgment, attending to the spirit above the letter of the law.

III. DEFINITIONS

Dominant Aggressor: Refers to the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime.

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 shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

Family or household member: Includes 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.

* “related by blood or marriage” includes, but is not limited to: adult sibling; cousin; aunt; uncle; brother-in-law; sister-in-law; mother-in-law; or father-in-law

** Section (D) of this definition shall not apply to persons who are (1) attending an institution of higher education and presently residing together in on-campus housing, or in off-campus housing that is owned, managed or operated by the institution of higher education or its agent, provided such persons are not family or household members as defined in paragraphs (A) – (f) above, or (2) presently residing in a dwelling unit, as defined in C.G.S. § 47a-1, and making payments pursuant to a rental agreement, as defined in C.G.S. §47a-1, provided such persons are not family or household members as defined in subparagraphs (A) – (F) above.

Family violence crime: A crime as defined in Connecticut General Statutes 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 member, but does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.

Institutions and services: Includes: peace officers, service providers, mandated reporters of abuse, agencies, and departments that provide services to victims and families and services designed to assist victims and families.

Possess: Means to have physical possession or otherwise to exercise dominion or control over tangible property. Connecticut General Statutes § [53a-3\(2\)](#).

Principal Petitioner: A victim of a family violence crime whose immigration status is questionable, and who is filing for a T Non-immigrant Visa or a U Non-Immigrant Visa on behalf of himself or herself or a qualifying family member.

Safety Plan: A plan developed between an advocate/counselor or a police officer and victim that contains specific activities for victims to be safe from an offender. Safety planning is an essential step to be completed with all adult victims of domestic violence. It provides individualized planning for violence victims that children or family may encounter regardless of any ongoing or further relationship with the offender. Age appropriate safety planning is also important for child survivors/witnesses of domestic violence.

Short Term Safety Plan: An immediate plan developed at the time of the report. A responding officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to:

- Create a plan as to what to do next
- Ensure that the victim and children have the ability to call 911
- Ensure that the victim can get to a safe location
- Calling friend, family member or advocate for support
- 24- hour Statewide Domestic Hotline number is 1-888-774-2900

Trauma-Informed Care: Pursuant to Connecticut General Statutes §46b-38b(f) police officers and family violence intervention unit counselors must inform the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological psychological, and social effects of trauma and violence on a person. The Act adds that the services be delivered by a regional 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.

“T” Non-immigrant Visa Victims of Trafficking: Also known as the “T-visa”, provides immigration protection to victims of a severe form of trafficking in persons. The T-visa allows victims to remain in the United States and assist federal authorities in the investigation and prosecution of human trafficking cases.

“U” Non-immigrant Visa Victims of Criminal Activity: Also known as the “U-visa,” provides temporary immigration benefits to the undocumented and their qualifying family members who are victims of qualifying activity, who have suffered mental or physical abuse as a result, and who are willing to assist law enforcement and government officials in the investigation of criminal activity.

Questionable immigration status: Any individual who cannot reasonably satisfy the investigating officer that he/she is a U.S. citizen, a lawful permanent resident of the United States, a documented permanent or temporary worker, a student or exchange visitor, a member of the U.S. Armed Forces, or otherwise lawfully present in the United States, or whose visa will likely expire before the case in which the individual is a victim can be fully prosecuted.

Qualifying criminal activity: Criminal activity that involves one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking;

incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. See Title 8 U.S.C 1101(a)(15)(U)(iii)

IV. PROCEDURES

A. Dispatcher Responsibilities

1. The dispatcher, upon receipt of a call for service involving family violence, shall assess the situation as thoroughly as possible and dispatch the necessary patrol unit(s) and/or Emergency Medical Services. The dispatcher, in consideration of the victim(s)' and responding officer(s)' safety, will try and obtain the following information:
 - a. The caller's identity and relationship to the offender;
 - b. The victim's name and the offender's name, and their relationship to each other;
 - c. The caller's call-back telephone number(s);
 - d. The exact location of the incident including the house and/or apartment number;
 - e. The nature of the abuse, suspected or sustained injuries;
 - f. The existence of any weapon(s)/firearm(s)/electronic defense weapons suspected or used at any location, including a description of the weapon(s), the location of the weapon(s) and the name(s) of anyone with access to or possession of them;
 - g. The current location of the victim;
 - h. The current location of the alleged offender, if known (if offender is not present, a detailed description and possible location or direction of travel);
 - i. Previous complaint history involving the location, the caller, and/or the offender;
 - j. Whether the alleged offender is the subject of a court ordered condition of release that he/she have "no contact with the victim" or that he/she "not use or possess a dangerous weapon;"

- k. Whether the victim has a current Protective Order, Restraining Order, Condition of Release Order, and/or Standing Criminal Protective Order.
2. Check the Connecticut Protective Order Registry to determine if any orders are currently on file or active
3. When dispatching to an address that has a Protective Order or Condition of Release, the dispatcher will relay information regarding the orders to the responding officer(s) and notify responding officer(s) of any known hazard(s) at the incident location.
4. Dispatcher will log time(s) of police/EMS dispatch, arrival, and clearance for every call.
5. Dispatcher shall determine if possible:
 - a. Whether children are involved or on scene;
 - b. Whether drugs, alcohol, or mental illness are involved;
 - c. Whether it is an active or static family violence scene. If active scene, additional officer(s) shall be dispatched.

B. Officer Responsibilities

1. Initial response: Officers dispatched to domestic violence incidents will investigate any complaint(s) of family violence in a safe and expeditious manner.
 - a. All such incidents should be regarded as potentially “*high risk*” calls and approach any family violence situation with caution.
 - b. At least two officers shall be dispatched and respond to incidents of family violence.
 - c. When it is practical and can safely be done, officers should briefly listen at the door and/or observe involved parties through a window prior to entry. This may assist in the determination of the existence of probable cause for arrest.
2. Forced entry: Forced entry is defined as any non-consensual entry. Officers may force entry into a premises when:
 - a. The officer reasonably believes an occupant is in need of immediate medical attention, or

- b. The officer reasonably believes an occupant is in imminent danger of suffering serious physical harm.

3. Incident investigation:

Officer's shall:

- a. Identify all individuals present at the scene and include their information in the incident report. The relationship of involved parties will be identified to determine any family and/or household member status.
- b. If any medical treatment is required, officers will request EMS to the scene.
- c. Assess and determine the nature of the incident by interviewing involved parties separately and not in view of one another, whenever possible, to ensure that victims are not potentially influenced by offenders or interested parties present at the scene.
- d. If the family does not speak English, when possible, Officers SHOULD NOT use the children as interpreters. This could prove dangerous to the child and the adult victim.
- e. Determine the presence and status of any weapons.
- f. Obtain a signed, written statement or taped statement from any victim, when possible.
- g. Obtain a signed medical release form with victim's consent, when appropriate.
- h. Carefully document the condition of the scene, including diagrams, if appropriate.
- i. Identify, collect, and preserve all evidence of the crime(s).
- j. Identify any witnesses to the incident who may not be present at the scene.
- k. Photograph the scene and any visible injuries on the victim. If an involved party claims injury and there are no visible marks, officers should photograph the visible injury or lack of visible injury at the time of the investigation.

- l. Determine if the offender is the subject of any Restraining Orders, Protective Orders, Standing Criminal Restraining Orders of release that include “no contact with the victim” or “no use or possession of dangerous weapons.” Verify the order and that the conditions are applicable to the involved victim(s) and offender(s).
- m. If an officer is unsure how to proceed in any given situation, the officer shall notify a supervisor for guidance.

4. Lethality Assessment Protocol (LAP)

- a. LAP shall be used to assess potential dangers to victims of family violence involving family or household members in potentially lethal situations, and to place those victims in immediate and direct contact with a domestic violence advocate trained in LAP.
- b. Officers shall perform a LAP screen with the victim when the family violence incident involves a family or household member relationship and;
 - 1) The officer reasonably believes there has been an assault or other act of family violence, and
 - 2) The officer reasonably believes the victim may face danger once the officer leaves, and
 - 3) The Department has previously investigated family violence incidents at the home or involving the family or household members.
- c. To determine if the victim is at risk to future injury or death, the officer will:
 - 1) Ask all questions on the form, in the order listed, regardless of the victim’s response.
 - 2) Complete the form themselves and not have the victim do it.
 - 3) Contact the DVCC hotline, listed on the form, and speak with the Advocate, if the victim is determined to be at high risk for further violence.
 - 4) Provide the victim the opportunity to speak with the Advocate.
 - 5) Include the LAP form with the report.
 - 6) Place a copy of the LAP form in the bin labeled “Domestic Violence Lethality Forms” located in the write up room.

5. Assessing and treating victim injuries: It shall be the responsibility of the responding officer(s) at the scene of a family violence incident to provide immediate assistance to the victim(s). Such assistance shall include, but is not limited to:
 - a. Assisting the victim in obtaining medical treatment, if such is required;
 - b. Informing the victim of any available family violence services and referring the victim to the Office of Victim Services;
 - c. Providing assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable; and/or
 - d. If no probable cause exists for an arrest of either party, the officers will take necessary steps so the likelihood of further violence has been eliminated.
6. Dealing with children at the scene: It is important for officers to understand that children are often present at the scene of a family violence incident. In addition to their potential value as a witness, the welfare of a child may be adversely affected when exposure to family violence incidents go ignored and untreated by appropriate professionals.
 - a. Officers will determine if children are present at the scene and ensure that they are safe and unhurt.
 - b. If a child is present, within sight or sound, officers shall make a report to the Department of Children and Families (DCF) by phone and complete DCF form 136.
 - c. Officers will interview children as witnesses, if possible, taking into consideration the current circumstances.
 - d. If dual custodial arrests are made and/or there is not a suitable adult available to care for any children present, arrangements will be made for their care.
7. Arrest of family violence offender(s):
 - a. Officers will identify all applicable penal code violation(s), including violations of a Protective Order, Restraining Orders, Standing Criminal Protective Order, or Condition of Release, and record facts of violence and threat of violence.

- b. Officers will determine whether probable cause exists for each penal code violation that will be charged, including all companion charges. All crimes for which probable cause exists should be charged.
- c. Officers will determine whether self-defense exists as provided in Connecticut General Statutes § 46b-38b.
- d. Officers will make an arrest decision. Depending on the circumstances, a full custodial arrest or misdemeanor summons arrest may be made, or, in limited situations, an arrest warrant may be sought. Determination of which type of arrest to pursue should include careful consideration of imminent safety concerns for the victim and his/her children.
- e. An 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.
- f. Whenever an officer determines upon speedy information that a family violence crime has been committed, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not be influenced by the following:
 - The specific consent of the victim;
 - The relationship of the parties; or
 - Solely upon a request of a victim.
 - The fact that civil proceedings such as separation, divorce, or custody disputes are pending.
 - The victim's previous unwillingness to participate in the complaint or arrest process.
 - The number or frequency of calls for police assistance at a particular location.
 - The victim's wishes to not have the suspect arrested.
 - Assurances from the offender that the violence will cease.
- g. If a custodial arrest is not made, officers shall remain at the scene until in the reasonable judgement of the officer the likelihood of imminent violence has been eliminated.

- h. Upon the arrest of any family violence offender who uses or threatens to use a firearm, officers will promptly notify the Desk Duty Sergeant and the bail commissioner to ensure that the offender is not released on a promise to appear in violation of C.G.S. § 54-63c(a).
- i. Officers are prohibited from releasing on a written promise to appear or the posting of a bond without surety any person charged with a family violence crime that involved the use or threatened use of a firearm.

8. Seizure of Weapons following arrest:

- a. Whenever a Stamford police officer determines that a family violence crime has been committed, such officer shall seize any firearm, permit, or electronic defense weapon as defined in C.G.S. § 53a-3, at the location where the crime is alleged to have been committed. The weapon must be either, in the possession of a person arrested or suspected of having committed such crime, or in plain view.
- b. The weapon may be held for testing or at the direction of the court. Unless ordered otherwise by the court, or if such person is ineligible to possess such firearm, the weapon will be returned to the rightful owner within seven (7) days after seizure.

If firearms, weapons, permit or electronic defense weapons were seized, officers shall record it in the incident report so that appropriate court orders regarding custody of the firearms, weapons, or electronic defense weapons can be requested and issued. Officers will fill out a Firearm Compliance Statement and attach a Surrendered Firearms/Ammunition Log Sheet (DPS-293) to it. This shall be submitted with the incident report.

9. Reporting and Processing requirements:

- a. Stamford police officers who respond to a family violence incident shall complete a State of Connecticut Family Violence Offense Report (DPS-230-C) whether or not an arrest occurs. A copy of the family violence offense report shall be forwarded to the State's Attorney whenever an arrest has been made.
- b. When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, he/she should request, pursuant to department policy, that the recorded call be preserved.

- c. Stamford police officers will, without exception, assign the arrestee a court appearance date on the next business day on all family violence arrests.
- d. An incident report or a supplement report are required prior to the end of officers tour of duty.
- e. Officers shall document any visible injuries and any verbal statement by either victim(s) or offender.
- f. Officers will document the condition of the scene upon their arrival in their incident report.
- g. Officer, when possible, shall photograph the scene and any visible injuries or complaints of injuries. Such can be done with available cameras.
- h. Officers shall document any verbal statements made by victim(s), witness(es), or offender(s) and distinguish the statements with quotes where appropriate.
- i. Officers shall report suspected abuse or neglect of any person with an intellectual disability who is between the ages of 18 and 60 to the Abuse Investigation Division of the Office of Protection and Advocacy by telephone (1-844-878-8923) and form PA-6 in accordance with C.G.S. § 46a-11b.
- j. Officers shall report suspected abuse, neglect, exploitation, or abandonment of any elderly person by telephone (1-888-385-4225) to the regional ombudsman and on form W-675 to the Commissioner of Social Services in accordance with C.G.S. § 17b-451.

10. Opposing Complaints/Dual Complaints/Dominant Aggressor:

- a. When an officer has dual complaints and probable cause for each complaint the officer will conduct a Dominant Aggressor analysis applying the following factors and arresting only the Dominant Aggressor:
 - 1) The need to protect victims of domestic violence;
 - 2) Whether one person acted in defense of self or a third person;
 - 3) The relative degree of injury;
 - 4) Any threats creating a fear of physical injury; and
 - 5) Any history of family violence between the persons, if such history can reasonably be obtained by the officer.

- b. The officer shall arrest the person whom the officer believes to be the dominant aggressor.
 - c. If the officer believes probable cause exists for the arrest of two or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, such officer may submit a report detailing the conduct of such person during the incident to the state's attorney for the judicial district in which the incident took place for further review and advice. Such report will be submitted to the State's Attorney by the next business day following the incident. This section shall be construed to discourage, when appropriate, but not prohibit, dual arrests.
 - d. Where the 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. Dual arrests should be made only when probable cause exists to charge each party with a crime, unless the dominant aggressor has been identified or a request will be made to have the case reviewed by a state's attorney. If the officer has identified one of the complainants as the Dominant Aggressor, the officer shall make an arrest of that person.
 - e. When a police 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.
 - f. No Stamford police officer investigating a family violence complaint shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement assistance.
11. Temporary restraining or protective orders: When a person advises an officer(s) that a temporary restraining order or protective order pertaining to the suspect has been issued, the officer shall attempt to ascertain if such an order is on file with the department. Certified copies of temporary restraining or protective orders sent to the department by the court shall be filed so that they are accessible on a 24-hour basis to all officers. Temporary restraining orders and protective orders shall be filed at the front desk. The officer shall verify:
- a. That the order is on file in the computer system;
 - b. That the order has not expired; and
 - c. What the exact terms of the order are for a particular individual at a particular location.

Officers shall make an arrest when there is a probable cause to believe that the subject of the temporary restraining order or protective order has violated the order. See C.G.S. § 53a-107. Violators shall be arrested for a violation of the terms of the order which may include criminal trespass in the first degree (C.G.S. § 53a-107) or any other violations. If the violator is not present when the officer arrives, the officer shall investigate the incident and if probable cause exists, the officer and/or the department will apply for an arrest warrant.

12. Victim assistance: C.G.S. § 46b-38b (d) requires that officers shall remain at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated. Officers will consult with the on-duty supervisor with respect to the likelihood of further imminent violence prior to the officer(s) leaving the scene. Prior to clearing the scene officers will ensure the following:

- a. Officers will notify the victim(s) of his/her right to file an affidavit or a warrant for an arrest;
- b. Officers will assist the victim(s) with developing a short term safety plan as defined above which may include assisting the victim(s) in securing a safe place to stay, if necessary;
- c. Most victims are unfamiliar with court procedures relative to family violence incidents, therefore, officers will explain the process to them including, but not limited to processes related to arrest, arraignment and bond including the following:
 - The offender might NOT be held overnight, and may be released within hours of the arrest (in the event the offender is released, the releasing officer shall make attempts to notify the victim);
 - The offender will be arraigned the following court day; 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 ;
 - The FVVA will provide the victim with accurate information regarding the court process. The FVVA will represent the victim's wishes* to the Family Relations Officer (FRO). 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.);

- Officers shall give the victim(s) a “Victim of Crime Card” containing information about victims’ rights and phone numbers for services.
- Officers will provide the victim(s) with their name and contact information in case the victim has any questions.
- Officers shall assist the victim regardless of the victim’s race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression.

13. Victims of family violence whose immigration status is questionable: The Uniform Connecticut Law Enforcement Protocol For Treating Victims of Family Violence Whose Immigration Status Is Questionable applies to all state and local law enforcement agencies in the State of Connecticut. (C.G.S. § 46b-38b(g)) as amended Public Act 09-7, Section 64. The requirements of the Uniform Connecticut Law Enforcement Protocol for Treating Victims of Family Violence Whose Immigration Status is Questionable shall be implemented whenever it reasonably appears that a victim of family violence, whose immigration status is questionable:

- a. Is the victim of criminal activity designated in 1101(a)(15)(U) of the Immigration and Nationality Act (the Act);
- b. Has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity;
- c. Possesses information concerning the qualifying criminal activity of which he/she was a victim;
- d. Will meet the certification requirements that he/she has been, is being or is likely to be helpful to a state or local government official in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim; and the qualifying criminal activity of which he/she is a victim violated the laws of the United States or occurred in the United States (including Indian country and military installation(s) or the territories and possessions of the United States);
- e. A Principal Petitioner filing for a qualifying family member, or currently holding U-1 status and filing for a qualifying family member, must also demonstrate that if under the age of 21 years, qualifying family members for whom the Principal Petitioner is filing is/are his/her:

- i. Spouse.
- ii. Unmarried child(ren) under the age of 21.
- iii. Parent(s) (including step-parents and adoptive parents).
- iv. Unmarried siblings under the age of 18.

If over the age of 21 years, qualifying family members for whom the Principal Petitioner is filing is/are his/her:

- i. Spouse.
- ii. Unmarried child(ren) under the age of 21.

14. Officer responsibilities when dealing with victims of questionable immigration status:

- a. Stamford police officers at the scene of a family violence incident involving one or more persons of questionable immigration status who appear(s) to meet the requirements of this policy shall, in addition to the above, explain to the victim his/her right to petition for a U-Visa and shall, if requested, refer such victim to the appropriate supervisory officer designated to assist such victims with processing the necessary forms
- b. The Special Victims Unit or designee shall be responsible for providing such assistance as may be necessary to facilitate the expeditious processing of Form I-918, Petition for U Non-immigrant Status, Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient, and Form I-918 Supplement B, U Non-immigrant Status Certification, upon request of a victim of family violence.
- c. No police officer investigating an incident of family violence shall discourage a victim of family violence from making or pursuing a criminal complaint against an alleged perpetrator of qualifying criminal activity, or from participating in the prosecution of an alleged offender, because of the immigration status of the victim or the offender.

15. Limitation on legal advice: Law enforcement agencies shall not render legal advice to applicants concerning matters of immigration law, but shall merely assist applicants in filling out and processing the necessary forms upon request. Whenever possible, law enforcement agencies shall refer applicants to available pro bono legal services or local legal aid agencies which may provide competent legal advice to applicants.

Victims of family violence whose immigration status is questionable, and who appear to require practical assistance beyond that which is permitted by this policy, may also be referred to one or more of the following agencies:

- The Connecticut Coalition Against Domestic Violence (888)774-2900
- The State of Connecticut Office of Victim Advocate (800)822-8428
- The Connecticut's States Attorney's Office

16. Conditions of Release: Any person arrested for family violence, who cannot be arraigned in court in a timely manner shall be advised of his/her Miranda warnings and interviewed concerning the terms and conditions of his/her conditions of release, the details of which will be recorded on JD-CR-146 (C.O.R.). The arrestee's counsel may be present during this interview if requested. If the arrestee is non-English speaking, an interpreter should be used.

If the police officer cannot contact a bail commissioner, the police officer may set terms and conditions of release, but may not change any terms set by the court.

Any person charged with a family violence crime who used or threatened the use of a firearm shall not be released on a Promise To Appear (PTA).

The officer may set any of the following terms:

1. Avoid all contact with the alleged victim(s) of the crime;
2. Comply with specified restrictions on the person's travel, association, or place of abode that are directly related to the protection of the alleged victim; and
3. Not use or possess a dangerous weapon, intoxicant or controlled substance.

If any non-financial conditions of release are set, they shall be indicated on a form prescribed by the Judicial Branch (JD-CR-146) and sworn to by the police officer. The form will explain and document:

- a. The efforts that were made to contact the bail commissioner;
- b. The specific factual basis relied upon by the police office to impose the non-financial conditions of release; and
- c. If the arrested person was non-English speaking, that the services of a translator or interpreter were used.

A copy of the conditions of release will be provided to the arrested person. The terms of release remain in effect until the person is presented before a judge.

C. Supervisor Responsibilities

1. It is imperative that family violence incidents are properly investigated and processed to ensure the safety of the victim(s). Whenever possible, the district supervisor will respond to family violence calls where injuries occurred to ensure that policies and procedures are properly followed. Supervisors will:
 1. Conduct a probable cause review at the scene or in booking;
 2. Ensure that all reports are properly completed, including the Family Violence Offense Report, filed and forwarded;
 3. Ensure that follow-up investigative responsibilities are coordinated to allow shift changes and/or referrals to specialized units;
 4. Review any firearm, weapon, or electronic defense weapon issues, including seizures, to ensure compliance with departmental policies, state and federal laws. When appropriate, assure that the State's Attorney's office is notified where weapons are seized so that appropriate court orders can be sought.;
 5. Review all arrests, dual arrests situations, and self defense issues;
 6. Expedite warrant processing;
 7. Evaluate and/or set conditions of release. Either the Police Aide or the Desk Duty Sergeant should enter a File 20 into NCIC, with restrictions.
 8. The Desk Sergeant is responsible for setting bail after arrest. In the rare instances when a bail commissioner reduces the bond set by law enforcement, a shift supervisor, who has concern for the safety of the victim, can contact the State's Attorney within the jurisdiction, to request to override the bail commissioner's recommendation until the arraignment.
2. The Chief of Police shall designate a supervisor as the Department's family Violence Liaison. This supervisor will expeditiously review and oversee the Police Response to Crimes of Family Violence Model Policies, Procedures, and Guidelines and assure this directive is in accordance with the model policy and to enhance such agency's response to victims, community, and court personnel with respect to family violence.

D. Records Unit/Front Desk Responsibilities

1. Temporary restraining order/protective order: When a restraining order or protective order is received by this department, A copy of the order will then be placed in the original case file, and the original order will be filed at the front desk. When this department receives a disposition from the court, Police Aid personnel will remove the original from the file. The original order and the disposition will then be filed in the records division.
2. Arrest documents: When an arrest has been made, the completed Family Violence Offense Report (DPS-230-C) will be forwarded to:

Department of Public Safety
Crime Analysis Unit
1111 Country Club Road
P.O. Box 2794
Middletown, CT 06457-9294

3. The Chief of Police or his designee will annually file a Family Violence Survey (DESPP-231-C) with the Commissioner of Emergency Services and Public Protection to document the department's compliance with the "Model Law Enforcement Policy on Family Violence". Such report will be filed on or before July 1st of each year.
4. Pursuant to PA 19-43, law enforcement agencies shall redact the name, address or other identifying information of any victim of sexual assault, voyeurism, injury or risk of injury, or impairing of morals, or family violence, or witness thereof, as defined in section 46b-38a, or of an attempt thereof, from any arrest record released to the public.

E. Orders of Protection

1. The term "order of protection" could apply to a number of various types of protective orders available to victims in the State of Connecticut. Each type of order will be explained below.
2. Officers will enforce an out of state protective order regardless of whether the victim has registered the order with a Connecticut Court. Officers will presume an order to be authentic – the order does not need to be certified, but officers should try and verify through the issuing department.
3. **Protective Order (PO)**: Issued by a judge in a criminal case usually at the time of arraignment. Normally, the order remains in effect for the duration of the criminal case. The charge for violation of a Protective Order is "Criminal Violation of a Protective Order CGS § 53a-223.

4. **Restraining Order (RO):** Victim files an “Application for Relief from Abuse” in the family division of Family Court. This is an ex-parte order immediately granted by the judge and a hearing is scheduled within 14 days. The victim is responsible for assuring the offender is served at least 5 days prior to the hearing. There is no cost to the victim for filing or service. An ex parte order is in effect until the day of the hearing. Violation may result in arrest for “criminal violation of a restraining order” CGS § 53a-223b.

5. **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 of protection the officer should:

- a. Verify that the order and conditions apply to the involved victim and offender and;
- b. Document the existence of and issuance date of all orders in their incident report and;
- c. Arrest the offender for any and all valid violations of such orders.

6. **Standing Criminal Protective Order (SCPO):** May be issued by the court and the victim may or may not have knowledge of the order. Issued by a criminal court judge at the time of sentencing and can only be issued if the offender is convicted of a family violence crime or any crime against a family or household member for good cause shown. Violation is cause for arrest for “Criminal Violation of a Standing Criminal Protective Order CGS 53a-223a.

7. **Foreign Orders of Protection:** Victims are entitled to enforcement of foreign orders of protection where:

- a. The order was issued by another state, District of Columbia, Indian Tribe, US Commonwealth, Territory or Possession.
- b. The order was issued to protect a person from violence or the threat of violence.
- c. The issuing court had jurisdiction over the parties; and
- d. The offender had reasonable notice and an opportunity to be heard, however ex-parte order may be enforceable where there was an opportunity for a hearing.

8. **Conditions of Release (COR):** A person charged with a family violence crime may be released with certain non- financial conditions. Such conditions

are in effect until the time of arraignment. Conditions of Release include “no contact with the victim” and “not to use or possess dangerous weapon.” Violations of conditions will result in arrest as follows:

- a. If the offender was released on a felony charge, violations of release conditions may result in arrest for “Violation of conditions of release in the First Degree” CGS § 53a-222.
- b. If the offender was released on a misdemeanor charge, violations of release conditions may result in arrest for “Violation of Conditions of Release in the Second Degree” CGS § 53a-222a.

F. Domestic Violence Alert Notification/GPS Program

1. 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.
 - a. Offenders that have a history of violating court orders and/or who pose a risk of harm to a protected person(s) can be ordered by a judge to wear a GPS equipped ankle bracelet.
 - b. Specific locations are identified as restricted areas (i.e. the protected persons home, workplace, school, etc.) and the offender is instructed to avoid a 2500 foot area surrounding those areas.
 - c. Alerts:
 - i. 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
 - ii. If an alert is triggered, the GPS monitoring company will:
 - 1) Notify the protected person(s) and advise them to activate a pre-established safety plan.
 - 2) Notify the appropriate law enforcement jurisdiction and:
 - a) Provide the location and direction of travel of the offender and/or other pertinent information.
 - b) Provide information that will assist responding officers in locating the protected person.
 - c) 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.

- d. Officers dispatched to an Alert Notification/GPS should:
 - i. Locate and ensure the safety of the protected person(s).
 - ii. With due caution - attempt to locate the offender.
 - iii. Determine the reason(s) for the notification.
 - iv. 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.
 - v. Document all information in an incident report.

G. Domestic Violence Personal Property Retrieval

- 1. When a judge issues an order prohibiting the offender from entering his/her family dwelling, the offender likely will be advised that she/he may contact the police for a one-time escort to retrieve personal belongings.
- 2. When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by an officer, to retrieve belongings:
 - a. Initiation of the retrieval shall be at the discretion of the agency in a time period that is reasonable and practical.
 - b. The officer must verify the order.
 - c. 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.
 - d. If the officer is unable to make contact with the protected party, or if children are present, the retrieval should be scheduled for a later date/time.
 - e. 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.
 - f. 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.

- g. The officer must document that the retrieval has occurred in a CAD and in an incident supplement.
- h. The protected party must have prior notice by the department, and must agree to the timing of the retrieval.
- i. The respondent must not be allowed to use this as a means of harassing the protected party.
- j. If it is not practical or safe for the victim to accompany the officer and the offender during the property 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.

H. Weapons Issues

1. Effects of a Court Order of Protection

- a. Immediately, but not later than 24 hours after notice has been provided to a person subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection (CGS [§29-36k\(a\)](#)) such person must:
 - 1. Transfer/sell to a federally-licensed firearms dealer, any pistols, revolvers, other firearms and/or ammunition in his/her possession. (CGS [§29-36k\(a\)\(1\)](#), or
 - 2. Deliver or surrender such pistols, revolvers, other firearms and ammunition to the Commissioner of Emergency Services and Public Protection or any local police department. [CGS [§29-36k\(a\)\(2\)](#)]
- b. Person's subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection are prohibited from possessing a pistol, revolver, other firearm, ammunition or an electronic defense weapon. [CGS [§53a-217](#)]
- c. Persons subject to a Condition of Release "no use or possession of a dangerous weapon" are prohibited from possessing or using any dangerous instruments or possessing any deadly weapons. [CGS [§53a-222](#) or [§53a-222a](#)].

2. Permit to Carry

- a. The issuing authority of a state permit or temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate must revoke the permit and/or certificate(s) if the person holding the permit/certificate(s) becomes subject to an order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
 - b. Within five days of receiving written notice that a permit/certificate has been revoked, the holder of the permit/certificate must surrender the permit/certificate to the issuing authority. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
 - c. If an offender does not surrender the permit/certificate, he/she should be arrested for any of the following that apply;
 1. Failure to Surrender Permit to Carry a Pistol or Revolver (CGS [§29-32](#)); or
 2. Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS [§29-36i](#)), or
 3. Failure to Surrender Long Gun Eligibility Certificate (CGS [§29-37s](#)); or
 4. Failure to Surrender Ammunition Certificate (CGS [§29-38p](#)); and
 - d. The permit/certificate should be confiscated and immediately forwarded to the Commissioner of the Department of Emergency Services and Public Protection. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
 - e. 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. [CGS [§29-32](#)]
- ## 3. Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver

a. Arrests for Criminal Possession

- 1) Any offender that knows that she/he is subject to a Restraining Order, (includes ex-parte order), Protective Order, Standing Criminal Protective Order or Foreign Order of Protection issued by the court, in a case involving the use, attempted use or threatened use of physical force against another person; or
 - 2) has been convicted of a felony; or
 - 3) has been convicted of a Misdemeanor committed on or after October 1, 1994 (pistol and revolvers); on or after October 1, 2013 (other firearms, ammunition, electronic defense weapons) as identified in CGS [§53a-217](#) and [§53a-217c](#); or
 - 4) is subject to any other firearms prohibitions as defined in CGS [§53-217](#) and [§53a-217c](#); and
 - 5) is in possession of any firearm, ammunition, electronic defense weapon, pistol or revolver,
- b. should be arrested for Criminal Possession of a Firearm or Electronic Defense Weapon (CGS [§53a-217](#)) if found in possession of any firearm, ammunition, electronic defense weapon; or
- c. Criminal Possession of a Pistol or Revolver (CGS [§53a-217c](#)) if found in possession of any pistol or revolver; and
- d. The weapon(s) and/or ammunition should be seized as evidence of the crime.

4. Seizure of Firearms from Persons Posing Risk to Self or Others (Risk Warrant)

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 under oath that there is probable cause to believe that (1) a person poses a risk of imminent personal injury to him/herself or to other individuals, and (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person. [CGS [§29-38c\(a\)](#)]

I. Violence Against Women Act (VAWA)

1. Referrals

- a. The Federal Violence Against Women Act (VAWA) makes criminal certain actions in family domestic violence situations. Several provisions of that Act which may arise during the investigation of family violence situations by Connecticut police officers are described below.
- b. If an officer believes that a person may have violated a provision of VAWA, he/she 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.
- c. All officers shall be sufficiently trained to recognize the possibility of a federal VAWA violations and to make referrals for these violations.
- d. The offices of the United States Attorney for the District of Connecticut are located at:
 - **Leonard C. Boyle United States Attorney**
Office of the United States Attorney
157 Church Street
New Haven, Connecticut 06508
(203) 821-3700
 - **Sarah P. Karwan, Chief, Criminal Division**
Office of the United States Attorney
157 Church Street
New Haven, Connecticut 06508
(203) 821-3700
 - **Harold Chen, Supervisor**
Office of the United States Attorney
915 Lafayette Boulevard
Bridgeport, Connecticut 06604
(203) 696-3000

2. Summary of Applicable VAWA Sections

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.

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.

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 nonissuing, 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.

5.05 Revision History

December 10, 2021 (New) - TS