



NEW CANAAN POLICE DEPARTMENT

SUBJECT: DOMESTIC VIOLENCE INVESTIGATION

GENERAL ORDER NUMBER: 04-02-112
FILE: OPS
LAW ENFORCEMENT

I PURPOSE/POLICY

The purpose of this General Order is to establish procedures that insure a uniform response to the Department's handling of domestic violence and family dispute complaints.

It is the policy of this department that its officers approach domestic violence incidents with professionalism while vigorously pursuing a thorough and comprehensive investigation. As part of that investigation, officers should make every effort to consider and identify the potential for escalating violence by utilizing the Lethality Assessment Program (LAP). The use of the LAP as a screening tool will assist in preventing homicides, serious injury and re-assault involving family or household members by encouraging victims to utilize the support and shelter services of domestic violence programs.

Officers shall identify victims of domestic 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 the Lethality Assessment Program. The Domestic Violence Assessment shall be used at the scene of a domestic violence incident to assist the officers in identifying high risk situations and follow established criteria to place the victim in direct contact at the scene with a domestic violence program counselor. Officers conducting a Lethality Assessment will ask the victim the Lethality Screening Questions included in the accompanying document titled, "Domestic Violence Lethality Screen for Law Enforcement Officers," and when a victim is assessed as being in danger, will contact the Domestic Violence Crisis Center (DVCC) and ask the victim to speak with an advocate.

II RESPONSIBILITY

It is the responsibility of all Department personnel to become familiar with and adhere to these procedures. It is the additional responsibility of supervisory staff to insure compliance with these procedures.

III DEFINITIONS

- A. Family violence:** means 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).
- B. Family Violence Crime:** means 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).
- C. Family or household member:** as defined in CGS §46b-38a (2) 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).

- D. Safety Plan:** A plan developed between an advocate/counselor or a police officer and a victim that contains specific activities for a victim to be safe from an offender. Safety planning is an essential step to be completed with all 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.
- E. Short-Term Safety Plan:** An immediate plan developed at the time of the report. A responding police officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to:
- 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.
- F. 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.
- G. 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.
- H. Advocacy:** means collaboratively working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach. Both in person or phone advocacy and support are provided by the program’s qualified staff and volunteers to domestic violence clients.
- I. Family Violence Victim Advocate:** - FVVA” is 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.
- J. LAP Assessment Screen:** Is a lethality assessment utilizing the Connecticut Coalition against Domestic Violence’s (CCADV) Form, the Lethality Assessment Screen for First Responders (lethality assessment screen).

- K. Screened In:** Is a term that refers to situations when a victim's responses initiate a "Protocol referral."
- L. Protocol Referral:** Is the process of initiating a LAP call to the regional domestic violence service provider and speaking to a LAP Victim Advocate from that agency.
- M. Lethality Assessment:** Is the identification of victims who are at the highest risk of danger or serious injury by their abuser.
- N. Lethality Assessment Program (LAP):** Is a two- pronged intervention process that features a research based lethality screening questionnaire and accompanying protocol referral that provides direction for law enforcement.

IV PROCEDURES

A. Dispatcher Procedures & Responsibilities

1. The dispatcher who receives a family dispute call is instrumental in providing the responding officers with vital information that could prevent injury to victims and officers. Dispatchers will give a high priority to family disputes and will dispatch at least two officers to every reported incident if possible. Dispatchers will also receive calls from individuals seeking advice on family dispute problems in their homes. Dispatchers must remember that if they receive information about a domestic violence situation, the incident must be investigated. All Family Dispute calls must be entered into the dispatch computer software and a case number assigned.
 - a. Obtaining Information: It will be the dispatcher's responsibility to attempt to obtain as much information as possible when receiving a Family Dispute call. Such information may include:
 - 1) Nature of incident
 - 2) Address of incident including apartment numbers
 - 3) Telephone number where caller can be reached
 - 4) Whether weapons are involved
 - 5) Whether someone is injured, and nature of injury
 - 6) Information about suspect including current whereabouts, physical description and vehicle description if applicable.
 - 7) Relationship between suspect and victim
 - 8) Whether there has been prior abuse or calls at the residence
 - 9) Whether there is a Criminal Protective or Civil Restraining order in effect
 - 10) Whether children are present on scene
 - 11) Drugs, Alcohol, Mental Illness exist
 - 12) Query Protective order registry
2. All Domestic Violence calls will be dispatched Code Two unless there is active violence taking place, and the call should then be dispatched or upgraded to Code Three. If the caller is the victim or a witness to an incident in progress, the dispatcher should advise them that assistance is en-route. Attempt to keep the caller on the telephone and relay ongoing information to responding officers.

B. Responding Officer Procedures & Responsibilities

1. Initial contact with occupants: Upon arriving at the scene of a family dispute call, the officer(s) should identify themselves; explain their presence, and request entry into the residence. Officers should locate the complainant and separate the individuals involved in the dispute.
2. Entry: If the complainant's call originated from the residence, consent to enter a residence shall be presumed until officers have made personal contact with the parties and verified there is no immediate danger of physical injury to any person(s) at the residence.
 - a. Officers will not forcibly enter a residence in response to a family dispute unless the original call or other independent facts demonstrate a realistic concern for the physical safety of persons present inside the residence.
 - b. If a person at the residence did not initiate the original call to a residence, entry must be by consent or based upon a reasonable and articulate belief that such entry is necessary to prevent injury or death to an occupant.
 - c. The consent of any party who resides at the residence is sufficient consent to enter and remain; however officers must leave the residence if all parties involved request the officers to leave, and no probable cause of a crime exists, or other factor that would make the officer believe someone is in danger.
 - d. When the complainant is not a resident of or is not present at the home, responding officers shall not presume that there is any consent for them to enter the residence, unless such entry is necessary to prevent injury or death of an occupant.
3. First Aid: After securing the scene, the responding officers shall provide necessary first aid and medical attention to injured parties. Officers should also then contact headquarters and advise the dispatcher, that there is an injured party at the scene. The dispatcher will then contact CMED.
4. Investigation: Our primary responsibility should be the victim and rendering aide if needed. Connecticut General Statute section 54-222a states the following in relation to victims:

Whenever a peace officer determines that a crime has been committed, such officer shall: (1) Render immediate assistance to any crime victim, including obtaining medical assistance for any such crime victim if such assistance is required; (2) present a card prepared by the Office of the Chief Court Administrator to the crime victim informing the crime victim of services available and the rights of crime victims in this state; and (3) refer the crime victim to the Office of Victim Services for additional information on rights and services.

- a. Officers shall restore order upon entry into the residence, and should remain at the scene for a reasonable amount of time until, in the judgment of the officer, the likelihood of further imminent violence has been eliminated or the officer has helped the victim with a **short term safety plan and provided information about the criminal justice process** in conjunction with an advocate after completing the LAP screen. This must also be done even if an arrest is not made. However, there will some instances when a LAP screen will not be completed.
- b. Seizure of Firearms: Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm and ammunition at the location where the crime is alleged to have been committed, that is in the possession of the offender / suspect or that is in plain view. Officers shall seize as evidence all weapons used or threatened to be used in the crime.
 - 1) Officers should request the voluntary surrender of all firearms and ammunition located in the home where there is a domestic violence arrest and **shall** complete a **firearms and compliance statement form**; having the arrestee initial the applicable section that that he/she is not in possession or have any access to firearms and or ammunition. **Officers should also request the surrender of the arrestee's Firearms Permit.** A Firearms log sheet is to be

completed as necessary.

- 2) If the offender refuses to voluntarily surrender firearms or ammunition in the home, and the investigating officer feels the subject poses a risk of imminent personal injury to himself/herself or to other individuals, and he possesses one or more firearms, the Search And Seizure Warrant For Firearms- Persons Posing Risk To Self Or Others form must be completed and signed and presented to a Prosecutor, who will assist in locating a Judge to sign the warrant. The Search warrant can then be executed and the firearms removed from the residence.
- 3) 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 shall be arrested for all appropriate crimes and the weapon and ammunition should be seized as evidence of the crime(s) arrest in accordance with relevant C.G.S. 46b-38b.
 - a) 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 or the Connecticut State Police Weapons Unit.
 - b) Effect of a Court Order of Protection (OOP)

Possession – Definition CGS §53a-3(2): to have physical possession or otherwise to exercise dominion or control over tangible property.

When the state marshal service receives an ex-parte order issued by the court that indicates that the respondent holds a;

*Permit to carry a pistol or revolver;

*An eligibility certificate for a pistol or revolver;

* A long gun eligibility certificate;

* An ammunition eligibility certificate or;

*Possesses one or more firearms or ammunition.

The marshal service shall;

*Whenever possible, provide in hand service of the order to the respondent.

*Notify the law enforcement agency for the town in which the service will take place.

*Provide such agency a copy of the application, the applicant's affidavit, the ex-parte order, and the notice of hearing.

* Request a police officer from such agency be present when service is executed.

*When possible and consistent with all other provisions of this policy, the law enforcement agency may consider sending an officer to accompany the state marshal during the service of the ex-parte order.

*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) as amended by P.A. 16-34) such person must:

A.) 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), as amended by PA 16-34), or

B.) 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) as amended by P.A. 16-34]

*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]

*Persons subject to a Condition of Release "no use or possession of a dangerous weapon" are prohibited from possessing any dangerous weapons. [CGS §53a-222 or §53a-222a].

*Refer to Federal Domestic Violence Laws, section regarding federal law, which prohibits 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 (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.

*Upon the surrender of any firearms or ammunition or if the offender indicates that he/she is not in possession of, nor does he/she have access to, any firearms or ammunition and there is no other evidence to suggest the contrary, having the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) indicating same.

Permit to Carry

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 inclusive as amended by P.A. 16-34]

*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 inclusive as amended by P.A. 16-34]

If an offender does not surrender the permit/certificate, he/she should be arrested for any of the following that apply;

*Failure to Surrender Permit to Carry a Pistol or Revolver (CGS 29-32); or

*Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS 29-36i), or

* Failure to Surrender Long Gun Eligibility Certificate (CGS 29-37s); or

*Failure to Surrender Ammunition Certificate (CGS 29-38p); and

*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 inclusive as amended by P.A. 16-34]

*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]

Seizure of Firearms at the location of a Family Violence Crime (Safekeeping Provision)

Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm, ammunition, or electronic defense weapon at the location where the crime is alleged to have been committed that is in the possession (Possession – Definition CGS §53a-3(2): to have physical possession or otherwise to exercise dominion or control over tangible property) or that is in plain view. [CGS §46b-38b(a)]. Refer to CGS §53a-3 – Definition of Possession. Any firearm seized under this section must be returned in its original condition within seven (7) days to its rightful owner unless such person is ineligible to possess the firearm or unless otherwise ordered by the court. Any questions regarding the return of weapons seized under this section should promptly be directed to the state’s attorney or CSP Weapons Unit.

Use or Threatened Use of Weapon in a Family Violence Crime

- a. 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).
- b. Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver

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,

6.) 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

*Criminal Possession of a Pistol or Revolver (CGS §53a-217c) if found in possession of any pistol or revolver; and

*The weapon(s) and/or ammunition should be seized as evidence of the crime.

Seizure of Firearms from Person 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 on 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)]

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

- c. Officers should interview involved parties separately with one officer speaking to each, if possible. Written Voluntary statements should be obtained, if at all possible and interview witnesses as soon as possible.
 - 1) Young children who are residing in the home or related to involved parties should only be interviewed only when absolutely necessary for the prosecution of a serious offense.
 - 2) The Youth Officer and/or other trained individuals can complete this task at a later date under calm conditions if deemed appropriate.
 - 3) Written Voluntary Statements should be obtained if at all possible.
 - d. Before leaving the scene, officers should identify the local domestic service provider and help the victim to develop a *short-term safety* plan.
 - e. 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 investigating agency. Victim (s) are to be encouraged to contact the investigating agency, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate. If possible victim is to be contacted if bond is posted.
5. Lethality Assessment Screening: Officers shall utilize this as a means to accurately assess and identify victims who are at the highest risk of danger or serious injury by their abuser.
- a. Officers shall perform a Lethality Assessment Screen with the victim when the domestic violence incident involves a family or household member relationship and:
 - 1) The officer reasonably believes there has been an assault or other act of domestic violence, and/or
 - 2) The officer reasonably believes that the victim may face danger once the officer leaves, and/or
 - 3) The agency has investigated previous domestic violence incidents at the home or previous incidents involving family or household members, and/or
 - 4) When the officer's training and experience indicates the situation is dangerous, but the officer may lack probable cause to make an arrest.
 - b. The process for conducting a lethality assessment in domestic violence incidents involving family or household members is as follows:
 - 1) Determine if any party present is in immediate need of medical attention.
 - 2) Interview all persons present, including the victim, suspect and witnesses.
 - 3) Access the scene. If, based upon the physical observations and/or information gathered from the interviews, the officer believes that the victim could be in danger or is at risk of serious injury, the officer shall complete the lethality assessment screen.
 - c. The Lethality Screening questions are comprised of the eleven questions found on the

“Domestic Violence Lethality Screen for Law Enforcement Officers.” When completing the questionnaire, the investigating officer shall:

- 1) Advise the victim that he or she will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
 - 2) Ask the questions in the order that they are listed on the form.
 - 3) Ask all of the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.
- d. Upon completion of the lethality questionnaire, officers must assess the victim’s responses. That information will be handled as follows:
- 1) A **single** “yes” or positive response by the victim to questions #1, 2 or 3 signifies a high danger situation and automatically triggers the protocol referral.
 - 2) If the victim gives negative responses to questions #1-3, but positive responses to **four or more** of questions #4 - 11, this also signifies a high danger situation and triggers the protocol referral.
 - 3) **“No”** or negative responses, to all of the assessment questions, or positive responses to less than four of the questions #4 – 11, may still trigger the referral if the investigating officer believes it is appropriate. The officer should ask the victim the following clarifying questions:
 - a) “Is there anything else that worries you about your safety?” If the victim answers “yes;” then ask, “What worries you?” The response to this question may aid the officer in their decision.
 - 4) The officer should trust their instincts. Use of the lethality screen takes into account the officer’s training and experience. It’s flexible and relies on the investigating officer acting on that training and experience. If the victim’s responses don’t trigger the referral, but the officer’s assessment of the situation indicates a high danger, the officer should still initiate a referral.
- e. If an officer concludes that a referral is not indicated or the victim does not answer the screening questionnaire, the officer should:
- 1) Advise the victim that domestic violence is dangerous and sometimes fatal.
 - 2) Inform the victim to be alert to signs listed on the assessment because they may convey to the victim that he or she is at increased level of danger.
 - 3) Refer the victim to the Domestic Violence Crisis Center (DVCC).
 - 4) Provide the victim with the police department’s telephone number, the case number and the officer’s contact information should the victim wish to discuss the event further or require additional assistance.
- f. If an officer concludes that a referral is indicated as a result of a danger assessment being made or the officer believes it is appropriate, the referral will be implemented as follows:
- 1) Advise the victim that this situation indicates that the victim may be at increased risk of danger and that others in similar situations have suffered serious injury or death.
 - 2) Advise the victim that you would like to call the Domestic Violence Crisis Center (DVCC) and have the victim speak with an advocate.

- a) If the victim declines to speak with the advocate, the officer should:
 - i. Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed further.
 - ii. Tell the victim that they would like the victim to reconsider speaking with the hotline advocate and;
 - iii. Ask the victim again if they have reconsidered and would now like to speak with the advocate.
 - b) If the victim continues to decline to speak with an advocate, the officer should provide the same service they would perform for a victim when a referral is not indicated including conveying information that the advocate may have suggested, reviewing safety tips and discussing the option of leaving the location, if possible.
- 3) If the victim agrees to speak with an advocate, the officer will advise the advocate that the officer has completed an assessment that indicates danger or that the officer believes that the victim may be in danger and would like the advocate to speak with the victim.
 - 4) Officers should not provide the name of the victim and their contact information to the advocate without the consent of the victim.
 - 5) During the conversation with the victim and the advocate, the advocate may ask to speak with the officer regarding the situation.
 - 6) The officer will then be guided by the discussion with the advocate for further assistance.
 - 7) Officers should provide reasonable assistance to the victim if the victim wants to leave the residence.
- g. The recommended reporting procedure for lethality assessments are as follows:
- 1) Lethality assessment screens should be signed by supervisor and sent to the Records Unit where they will remain until the DVCC requests them for said month. At the request of the Prosecutors Office and the DVCC the assessment forms will stay in records and not be attached to the arrest file.
 - 2) The DVCC will contact records and request the lethality assessment forms completed for said month.
6. Photographs: Photographs can be an important aspect of investigating domestic violence calls. Officers should use the photographic equipment available to them.
- a. All injuries should be documented and photographed in detail. A female officer, female Emergency Medical Technician, medical doctor or friend of the victim can take photos of a female victim if it requires disrobing. If the victim is a male; a male officer, male Emergency Medical Technician, medical doctor or friend can take pictures if it requires disrobing. This should be done under the control of the investigating officer. When injuries are reported, the Domestic Violence Coordinator will contact the victim and request to view the injuries a day or two later to see if they have developed. If the injury has changed the investigating officer will be assigned to take more photographs of the injury.
 - b. Officers should also photograph the crime scene and show destroyed items or damaged property as well as victims at the scene. This will assist the Court in its prosecution.
6. Use of other investigation techniques: Officers should use all investigative techniques and skills they have been taught to complete their investigation.

- a. Officers should contact the on-duty Investigator and/ or Domestic Violence Coordinator for investigations involving serious injury or for other assistance as the Shift Supervisor deems appropriate.
7. Incident Reports: All incident reports involving Domestic Violence must be completed as soon as possible. Shift Supervisors will ensure that they are completed.
- a. Officers must complete the State of Connecticut Family Violence Offense Report 230-c form for family violence incidents. This will be done on the computer by using the applicable software.
 - b. If children under the age of eighteen are present in the home during a Domestic Violence complaint that results in an arrest, The Department of Children and Family (DCF) must be notified. Officers must first call the hotline at 1-800-842-2288, and then complete the DCF-136 state form. Officers must do this prior to going off shift, and ensure that the form is mailed to DCF.
8. Arrest procedures: All arrests in Domestic Violence investigations **must be based on Probable Cause, not on the request of a victim or witness.**
- a. 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, given the nature of family violence, 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 that 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. **Dual arrests should only be made when there is probable cause to charge each party with a crime. Officers shall evaluate each complaint separately to determine if probable cause to arrest exists.**
 - b. When two or more parties make a complaint of violence or when the 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 C.G.S. 46b-38b (a).
 - c. If the offender has left the scene prior to the officers arrival, and it is determined that Probable Cause exists to arrest the offender, and the offender will not voluntarily surrender, then a warrant must be completed as soon as possible and the Shift Supervisor will ensure that this is completed.
 - d. Officers should make every attempt possible to have the warrant signed and served prior to going off shift, especially when the case involves violent offenders and/or serious violations. The decision to have a warrant signed the following day will be at the discretion of the Shift Supervisor.
 - e. The majority of Domestic Violence arrests should be in custody to allow for a cooling off period. Mitigating circumstances can waive this process, but supervisors need to make this decision.
 - f. Officers should have the goal of separating the involved parties until the court appearance.
 - g. Officers should utilize the “Conditions of Release, Family Violence” form to set specific conditions that an arrestee must comply with between the time of arrest and court appearance. The arrestee must sign the form acknowledging their understanding of the conditions set forth and consequences should he/she fail to satisfy the conditions (re: JD-CR-146).
 - 1) Officers are **mandated** to run an NCIC check of the arrestee prior to the issuance of such conditions of release.
 - h. All court dates for Domestic Violence arrests will be scheduled for the next business day following the arrest. This includes arrests made with a warrant.
 - i. Officers are to explain to the victim the process of arrest, arraignment, and bond.

9. Family Violence Protective Orders: Protective Order (Criminal) This type of court order is issued to victims of family violence. The court issues a protective order after the offender is arrested. Victims can obtain a protective order through the Norwalk Superior Court. Normally a protective order does not address the issue of child custody. A protective order remains in effect until the family violence case has been disposed of in court or the judge decides otherwise. Officers encountering a protective order violation shall arrest the offender for C.G.S. 53a-223 Criminal Violation of a Protective Order.
 - a. Copies of all active protective orders will be kept at the front desk in a binder and reviewed regularly for validity by the Administrative Lieutenant.
 - b. Protective orders can also be accessed on the NCIC/Collect system for validity by using the FLQW command.
 - c. When an order of protection allows the defendant to return to the dwelling to retrieve property it's for a ***one time escort***. *Officer must verify the order and contact the protected party and arrange a time for the property retrieval.* The protected party must have prior notice. The retrieval should not last longer than 10-15 minutes and it's only for essential items.
 - D. In some situations a victim may have a protective order and a restraining order. Officers should document the existence of such and issuance date of all orders in the report, and arrest for any and all arrestable violations of such orders.
 - E. Reference the Connecticut Statewide Model Policy titled Police Response to Crime Family Violence for the effect on weapons when a court ordered order of protection is in place.

10. Restraining Orders: Victim files an application for "*Relief from Abuse*", A family or household member can apply to the Stamford Court (*Civil*) to seek relief from being subjected to a continuous threat of physical pain or injury. The person seeking relief submits an application along with an affidavit provided under oath. The applicant must include information about the violence his or her partner is committing against the applicant and or any of the applicants or partners children.
 - a. ***Restraining Order*** If the applicant seeking relief from abuse alleges an immediate and present physical danger, the Stamford Court may or may not immediately grant the Ex-Parte Restraining Order granting relief to the applicant as deemed appropriate by said court. The judge will include his orders to the respondent. This order will provide a date, time, and location where a hearing will be held (within 14 days) to review the applicant's request for relief from abuse. Victim must ensure that the offender is served with notice of hearing at least five days prior to the hearing. Ex-Parte orders lasts until day of hearing, which is within 14 days of issuance. 7 day hearing if there is a firearms, permit, eligibility certificate disclosure. Once notified, the respondent is required to comply with the mandates of the order. Must surrender weapons immediately, but no later than 24 hours after notice. Must surrender permit/eligibility certificate with thin 5 days of notice.
 - 1) Officers encountering a Restraining Order violation shall arrest the offender for C.G.S. 53a-223b Criminal Violation of a Restraining Order
 - c. ***Standing Criminal Protective Order (SCPO)*** A judge from Norwalk or Stamford Court issues this type of order when the *order will best serve the interest of the victim and the public*. SCPOs are issued after the adjudication of a family violence case and the respondent has been convicted of a certain type of crime (sexual assault and/or stalking). The order becomes part of the subject's sentence. SCPOs remain in effect until they are modified or revoked by the court.
 - 1) Officers encountering a violation of a SCPO shall arrest the offender for Criminal Violation of a C.G.S. 53a-223a Standing Criminal Protective Order
 - d. ***Out of State Family Violence Protective Orders:*** Under the Violation Against Woman Act of 1994 "full faith and credit" shall be given to a valid protection order issued by a court from any of the fifty states, territories or possessions of the

United States, the District of Columbia, the Commonwealth of Puerto Rico and tribal lands. Officers investigating this type of violation shall make a reasonable effort to verify the validity of the court orders as well as the type of order. Verification may come through sources such as the court that issued the order, the law enforcement agency that handled the incident that brought the order, or legal counsel. Out of State Protective Orders are not required to be registered with the police department or the Connecticut Courts, but can be registered at the Connecticut Supreme Court.

- 1) Violations against Out of State Protective Orders occurring in Connecticut shall be enforced under an equivalent and applicable Connecticut state statute.
- e. **Foreign Orders of Protection:** Issued to protect a person from violence or threat of violence. Issuing court had jurisdiction over the parties and the offender had a reasonable opportunity to be heard. Officers are to presume that the order is valid if the content and form appear to be authentic. The order does not have to be a certified copy. A person may register a foreign order in Connecticut, but is not required to do so, and law enforcement cannot refuse an order because the order does not appear in COLLECT, NCIC or the Protection order registry.
- 1.) Officers encountering a Criminal violation of Foreign orders of protection should arrest the offender for violation of C.G.S. 53a-223b Standing Criminal Protective Order
- f. **Conditions of Release:** A person charged with a family violence crime can be released with non-financial conditions of release.
- 1.) An individual is released on a felony charge, and violates the conditions of release the officer should arrest the offender for Violation of Conditions of Release in the first degree 53a-222
 - 2.) An individual is released on a misdemeanor charge, and violates the Conditions of release the officer should arrest the offender for Violation of Conditions of Release in second degree 53a-222a
 - 3.) If court is cancelled on that date the arrestee is to appear or the arrestee does not appear in court on the date he/she was supposed to then the order of the conditions of release remains in effect until the arrestee appears in court for the arrest

*******REFER TO APPENDIX - COMPARISON OF ORDERS OF PROTECTION AS A REFERENCE*******

11. Victim Assistance and Referral Services: It is mandatory that officers distribute the information listed below to the parties involved in a family dispute complaint. Supervisors must ensure that officers comply with this **mandate**.

- a. Domestic Violence Crisis Center (DVCC)
5 Eversley Ave. Norwalk Ct 06851
1-888-774-2900
- b. Town of New Canaan Human Services
77 Main St
New Canaan Ct 06840
203-594-3076
- c. Town of New Canaan Youth Services
77 Main St.
New Canaan, Ct 06840
203-594-3081
- d. State of Connecticut Victim Services/rights card
- e. Town of New Canaan Victim Assistance card

12. Victims of Questionable Immigration Status: “*Questionable immigration status*” is defined as 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.
 - a. In accordance with C.G.S. 46b-38b(e)(2) and the uniform protocols established by the Police Officer Standards and Training Council, any victim of family violence whose immigration status is questionable may apply for a U-VISA, allowing the victim to remain in the United States legally while the offender is prosecuted. Should any officer encounter such a situation, the officer shall notify the Domestic Violence Coordinator. The Domestic Violence Coordinator will handle the application process through the Department of Homeland Security.

C. Supervisory Responsibilities

1. The ultimate responsibility for the successful arrest, prosecution and assurance that all reasonable attempts to ensure the safety of a victim of domestic violence rests with the supervisor at the scene. As such, his/her responsibilities will include;
 - a. Conduct a probable cause review at the scene (when necessary) and/or at booking and review all arrests, dual arrest situations and self-defense issues.
 - b. Ensure that all reports, including the DPS-230-C are properly completed, filed and forwarded to the appropriate personnel and/or agency.
 - c. 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.
 - d. Expedite the arrest warrant execution upon approval from the court.
 - e. Be aware that under CGS 54-63 c(a), *any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear* in violation of CGS 54-63c(a).
 - f. It is highly recommended that in domestic violence incidents or investigations of order of protection violations, that officers 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.
 - g. Conditions of release for family violence should be set by the duty supervisor or the bail commissioner. Duty supervisor is responsible to ensure that the temporary conditions of release are entered into NCIC.
 - h. The shift supervisor is responsible for setting bail after arrest. In the rare instance when a Bail Commissioner reduces the bond set by law enforcement, *a shift 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.*

V. PROCEDURES (FOLLOW-UP)

- A. The Department’s Domestic Violence Coordinator will attempt to follow up with the victims of all domestic disputes in a timely manner. The follow up will include:
 1. The victim’s current status and response to the initiated action by the New Canaan Police Department.
 2. To encourage the victim to seek assistance at the above services.

3. To see if the New Canaan Police Department can assist the victim in any other manner
- B.** The Department's Domestic Violence Coordinator will also have the following responsibilities
1. Serving on the Town of New Canaan Domestic Violence Partnership Board.
 2. Insuring accuracy and availability of family dispute and domestic violence statistics.
 3. Assist any and all victims of domestic violence with resources and services that are made available by the Town of New Canaan and the State of Connecticut.
 4. Serve as the department's spokesperson relating to domestic violence

VI. PROCEDURES (INVESTIGATION OF A FAMILY DISPUTE INVOLVING A POLICE OFFICER)

- A.** If an officer from another police agency is involved in a family violence crime in New Canaan and probable cause exists for the officer's arrest, the officer *shall* be arrested. The Shift Supervisor will notify the officer's agency as soon as possible and prior to the end of his shift. The Shift Commander will also notify our Chief of Police and follow General Order 87-7-42, Notification.
- B.** If an officer of the New Canaan Police Department is involved in a family violence incident in the Town of New Canaan and probable cause exists for the officer's arrest, the officer *shall* be arrested. ***Victim assistance shall be provided to the victim in any case.*** The Shift Supervisor shall notify the Chief of Police and follow General Order 87-7-42, Notification.
1. An officer at least one rank higher than the officer involved in the incident will investigate all criminal aspects of the incident.
 2. An Internal Affairs investigation will be conducted during or upon the conclusion of the criminal investigation.
 3. If the New Canaan Officer has been arrested for family violence and a Protective or Restraining order issued against the officer the following will be adhered to:
 - a. The officer shall surrender all department issued firearms to the Chief of Police or his/her designee. The officer will be prohibited from carrying a firearm while the order is in force.
 - b. In accordance with state statute, the officer shall comply with all other mandates relative to firearms possession and State permits.
 4. If a New Canaan Police Officer is arrested in another jurisdiction for family violence, that jurisdiction will investigate all criminal aspects of the incident.
 - a. The arrested officer is required to notify the Chief of Police as soon as possible.
 - b. An Internal Affairs investigation will be conducted during or upon the conclusion of the criminal investigation.
 - c. If arrested and a court order is issued, the officer shall surrender all department issued firearms to the Chief of Police or his/her designee. The officer will be prohibited from carrying a firearm while the order is in force.
 - d. In accordance with C.G.S 29-36k, the officer shall comply with all other mandates relative to firearms possession and State permits.
 5. The Chief of Police or his/her designee shall take appropriate departmental action relative to the

officer's employment status.

VII Application of Federal Domestic Violence Laws

- A** 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.
- B** 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.
 - 1. 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.
 - a. 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

VIII Summary of Applicable Federal VAWA Sections

- A** 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.
- B** 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.
- C** 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.
- D** Disposal, Receipt or Possession of a Firearm: (Title 18 USC §922(d) and (g))
 - 1. Section 922(d) (8) prohibits the knowing transfer of a firearm to a person who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child.
 - 2. Section 922(g) (8) prohibits the possession of a firearm by persons subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.
 - 3. Section 922(g)(9) prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a 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.
- E** Interstate Domestic Violence: Title 18 USC §2261(a)(1)
 - 1. Prohibits the travel across state lines or the leaving or entering of Indian Territory with the intent (at the time of the crossing) to 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.
- F** Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud: Title 18 USC

§2261(a)(2)

1. 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.
2. 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.

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

1. This provision is violated when a person travels across state lines or leaves or enters Indian territory with the intent to engage in conduct that (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

IX Effective date

This general order approved by the Police Commission on February 16, 2005 and is effective February 16, 2005

Revised January 2011
Revised October 2011
Revised January 2015
Revised March 2017

Per Order,

Chief Leon M. Krolikowski

XI. COMPARISON OF ORDERS OF PROTECTION¹

Revised October 2016

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

Protective Orders and Restraining Orders				
Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
<p>Protective Order (PO) (C.G.S. §46b-38c) (C.G.S. § 54-1k)</p>	<ul style="list-style-type: none"> ➤ Issued by a judge in a criminal case, usually at the time of arraignment. ➤ There is no cost to the victim. ➤ Victim may not want a PO or even know the PO has been issued. ➤ Offender, not the victim, is responsible for upholding order. ➤ Is a condition of the offender's release. 	<ul style="list-style-type: none"> ➤ Duration of the criminal court case. ➤ Until criminal case ends ➤ Judge may modify or terminate at any time, without victim knowing. ➤ May continue during probation [CGS 53a-28(f)] ➤ Check with Protection Order Registry 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/ residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. May include animals. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Protective Order (C.G.S. §53a-223) (D Felony) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of a victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS 53a-107] if in violation of PO.

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

<p style="text-align: center;">Restraining Order (RO) (C.G.S. §46b-15)</p> <p>Includes Ex-Parte order</p>	<ul style="list-style-type: none"> ➤ Victim files an “Application for Relief from Abuse” in the Family Division of Superior Court (civil court). ➤ Ex-parte order may be granted by judge. Hearing on order scheduled within 14 days. ➤ Victim must ensure that offender is “served” with notice of hearing. ➤ Offender, not the victim, is responsible for upholding order. ➤ There is no cost to the victim (for filing or service). 	<ul style="list-style-type: none"> ➤ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance. ➤ 7 day hearing if firearms, permit, eligibility certificate disclosure. ➤ Marshal/PD service in hand when possible. ➤ At hearing, judge can extend the order for 1 year with possible extension beyond 1 year. ➤ If victim wants to extend order beyond initial 1 year term, must file a motion at least 12 days prior to expiration. ➤ Order will not end prior to the expiration date without the victim being notified. ➤ Check with Protection Order Registry. 	<ul style="list-style-type: none"> ➤ Same provisions as in Protective Orders (above). ➤ May include custody orders. ➤ May include financial conditions for spouse (ex)/dependent children, living together (i.e. utilities, insurance, mortgage, rent, support). ➤ No disposal of property, documents, keys, ID. ➤ Must surrender weapons immediately, but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Restraining Order (C.G.S. § 53a-223b) (D Felony) ➤ Unless violation includes not staying away or contacting, imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS 53a-107] if in violation of RO. ➤ Victim also can file a Motion for Contempt in court where order was issued. ➤ Violation of financial conditions is NOT a criminal violation; explain option to file Motion for Contempt
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<p style="text-align: center;">Standing Criminal Protective Order (SCPO) (C.G.S. § 53a-40e)</p> <p><i>AKA: Standing Criminal Restraining Order (pre-Oct. 1, 2010)</i></p> <p><i>Permanent Protective/Restraining Order</i></p>	<ul style="list-style-type: none"> ➤ Issued by a criminal court judge at the time of sentencing. ➤ Can only be issued if offender is <u>convicted</u> of: <ul style="list-style-type: none"> ▪ Violation of enumerated offenses; or ▪ Any crime the court determines to be family violence; or, ▪ Any other crime for good cause shown. ➤ No cost to victim. ➤ Victim may not want a SCPO or even know the SCPO has been issued. 	<ul style="list-style-type: none"> ➤ Orders issued prior to Oct. 2010 could last indefinitely. ➤ Orders issued post Oct. 2010 shall remain in effect for any duration specified by the court at the time of sentencing. ➤ Orders can be modified and/or terminated without notice to or consent of the victim. 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. §53a-223a) (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS 53a-107] if in violation of SCPO.
<p style="text-align: center;">Foreign Orders of Protection (C.G.S. § 46b-15a)</p>	<ul style="list-style-type: none"> ➤ Entitled to enforcement in Connecticut where: <ul style="list-style-type: none"> ▪ Issued by courts of: (1) another state; (2) District of Columbia; (3) U.S. commonwealth, territory or possession; or (4) Indian tribe; ➤ Presume an order is valid if the content and form appear to be authentic (Full Faith & Credit). The order does NOT have to be a certified copy. ➤ May be criminal or civil. Conditions vary by issuing entity. ➤ Must surrender weapons immediately but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. ➤ A person may register a foreign order of protection in Connecticut, but is NOT required to do so, and law enforcement cannot refuse to enforce an order because the order does not appear in COLLECT, NCIC or the Protection Order Registry. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Foreign Order of Protection (C.G.S. § 53a-223b) (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal 		

				<p>trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.).</p> <ul style="list-style-type: none"> ➤ Criminal Trespass 1st [CGS 53a-107] if in violation of FOP. ➤ May be federal violation – contact US Attorney
<p>Conditions of Release (COR) (C.G.S. §§ 53a-222, 53a-222a, 54-63c, 54-63d)</p>	<ul style="list-style-type: none"> ➤ A person charged with a family violence crime can be released with non-financial conditions of release² by: <ul style="list-style-type: none"> ▪ Law enforcement; ▪ Bail commissioner; or ▪ A judge. ➤ To verify: <ul style="list-style-type: none"> ▪ Check File 20; ▪ Contact clerk of court in JD/GA where order issued; ▪ Contact bail commissioner who released offender; ▪ Contact police department who released offender. 	<ul style="list-style-type: none"> ➤ COR imposed by bail commissioner or law enforcement remain(s) in effect until offender is presented to a judge at arraignment. ➤ COR imposed by a judge remain(s) in effect for the duration of the case or until further order of the court. 	<p>Law Enforcement:</p> <ul style="list-style-type: none"> ➤ Comply with specified restrictions on travel, association, or place of abode; ➤ Not engage in specified activities, including use/possession of dangerous weapon, intoxicant, or controlled substance; ➤ Avoid all contact with alleged victim. <p>Bail Commissioner</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Remain under supervision of designated person or organization; ➤ Any other condition reasonably necessary to ensure appearance of the person in court. 	<ul style="list-style-type: none"> ➤ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. § 53a-222). (D Felony) ➤ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. § 53a-222a). (A misdemeanor) ➤ If, in the course of violating a COR, a person commits any other crime (i.e. threatening, intimidating a witness, assault, etc.), that person should be arrested for any other appropriate crime(s).

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

			<p>Judge:</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Any non-financial condition the judge deems appropriate; ➤ Compliance with Protective Order. 	
<p>Civil Protection Order (CPO) (CGS §46b-16a) **New 2015**</p>	<ul style="list-style-type: none"> ➤ Not for DV Cases ➤ Issued by civil judge. ➤ Victims of stalking, sex assault, sexual abuse. ➤ Service by marshal. ➤ Hearing within 14 days. 	<ul style="list-style-type: none"> ➤ Lasts up to one year. ➤ Victim requests order. ➤ Cannot have a PO for same incident before CPO. ➤ If victim wants to extend beyond one year, must file a motion at least 3 weeks prior to expiration. 	<ul style="list-style-type: none"> ➤ Offender not to impose restraint on the person or their liberty, threaten, harass, assault, molest, sexually assault or attack the protected person. ➤ Offender cannot enter dwelling of protected person. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Civil Protective Order (CGS 53a-223c) (D Felony)

Other Orders

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

