

NEW CANAAN POLICE DEPARTMENT

SUBJECT: LAW ENFORCEMENT ROLE & AUTHORITY

GENERAL ORDER NUMBER: 89-16-69

FILE: ADM 4.2

ROLE & RESPONSIBILITY

I PURPOSE/POLICY

The purpose of this general order is to establish guidelines, which relate to the basic role and authority of the New Canaan Police Department. Departmental policies must recognize the limitations of law enforcement authority and the need for public approval and acceptance of that authority.

II RESPONSIBILITY

It is the responsibility of all departmental personnel to adhere to this general order. It is the additional responsibility of the supervisory and command staff to insure it's compliance.

III PROCEDURES (LAW ENFORCEMENT AGENCY ROLE)

A In order to ensure that the police department operates effectively and efficiently, the Chief of Police is responsible for the development of a multi-year plan, which includes the following:

1. Long term goals and operational objectives
2. Anticipated work loads and operational trends
3. Anticipated personnel levels
4. Anticipated capital improvements and equipment needs
5. Provisions for review and revision as needed

B Formulation of the multi-year plan will be based upon information obtained through budgetary and/or capital requests, research programs as well as on specific needs of the department. Additionally, information may be utilized as a result of discussions that occur during any Department strategic planning initiatives. The multi-year plan shall include the following:

1. A 5 year plan for capital expenditures
2. A 3-5 year plan for Department goals & projects

- C** Year one of the multi-year plan specifically addresses the department's annual goals and objectives. The responsibilities of division and unit supervisory personnel shall include the following:
1. Referencing the goals and objectives while formulating their respective budget recommendations for the upcoming fiscal year.
 2. Confering with their subordinates to obtain suggestions and recommendations that address the respective goals and objectives.
 3. Participation during the Department's strategic planning initiatives, including written and/or oral presentations regarding progress made respective to their goals and objectives.
- D** The system for evaluating progress made towards the attainment of department goals and objectives may include the following:
1. Oral progress reports made during staff meetings, formal/informal administrative meetings and meetings with department personnel.
 2. A formal presentation by the Chief of Police on the the status of goals and objectives made at the Department's strategic planning initiatives.
 3. Group discussions and comments by all participants at the Department's strategic planning initiatives.
 4. Written action plans developed by focus teams during any Department strategic planning initiatives designed to address targeted goals and objectives.
- E.** The Chief of police may as necessary, utilize data collected during research programs, worksheets, administrative/staff meeting minutes and summaries of progress reports to amend and update the multi-year plan. When completed, amended multi-year plans will be presented to the Police Commission for their approval.
- F.** Prior to assuming sworn status, each departmental member shall take the oath of office to take and subsequently abide by an oath of office to enforce the law and uphold the Constitution of the United States, Connecticut Constitution and the ordinances of the Town of New Canaan.
- G.** All departmental personnel shall abide by the code of ethics, as written in the Manual of Conduct and Discipline
- H.** All department personnel shall receive ethics training at a minimum on a biennial basis.

IV PROCEDURES (LIMITS OF AUTHORITY)

- A** A society which is free from crime or disorder remains an un-achieved ideal; nevertheless, consistent with the values of a free society, it is the primary objective of the police department, to as closely as possible approach that ideal.
1. While trying to obtain this objective, the police department must enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of law enforcement authority and the constitutional rights of all persons. It is not the role of the police department to legislate, render legal judgements or to punish.

2. The police department shall preserve public peace, protect life and property, assist and advise the public and provide other miscellaneous services as needed. Such services shall be provided in accordance with all applicable laws, departmental policies and procedures.

B Discretionary power is the power of free decision or latitude of choice within legal limits as defined by statute, court mandated guidelines and/or departmental policies and procedures. Generally, the more serious the situation or offense committed, the less discretion an officer has available to him/her. These procedures are compatible with the N.C.P.D. Policy Manual.

1. Officers and supervisory personnel should, unless mandated to do otherwise, use discretion when exercising alternatives to arrest and/or pre-arraignment confinement. The alternatives to arrest and/or pre-arraignment confinement include;
 - a. Warnings - (Verbal or Written) Officers may issue a verbal or written warning to an offender, if the offense committed is minor in nature and free of willful or repeated intent.
 - b. Informal Referrals - This may include consulting with the parents/guardians of juveniles (Re: general order 88-6-50, Juvenile Operations, and arranging for corrective action to be taken.
 - c. Formal Referrals, Diversions, Outside Community Resources - Officers will primarily use their alternatives when dealing with juvenile offenders. The officers will offer referrals to other agencies or organizations when, in his/her discretionary judgement, it is the most reasonable alternative (Re: general order 88-6-50, Juvenile Operations).
 - d. Infraction Summons - The issuance of an infraction summons shall not be deemed to be an arrest or an offense, as defined in C.G.S. 53a-24. Officers shall in most cases issue an infraction summons in the field. Exceptions include;
 - 1) Motorists who reside in states, which do not participate in the reciprocating agreement pact with the State of Connecticut. (Re: C.G.S. 51-164(o)).
 - 2) Offenders who have been charged with additional misdemeanor or criminal charges. In such cases the officer may be required to take custody of the offender, as stated in (e), Misdemeanor Summons.
 - e. Misdemeanor Summons - Generally, when an arrest is made for a misdemeanor offense the officer shall have the option, with supervisory approval, of releasing the offender on his/her personal promise to appear (PTA) if it has been reasonably determined the offender will appear on the specified court date.
 - 1) When making this determination, consideration should be given to the following factors;
 - a) Employment
 - b) Character and mental condition

- c) Length of residency in area
 - d) Record of convictions
 - e) Record of appearances in court
 - f) Instructions received from court
 - g) Seriousness of the offense
 - h) Any other information which may be relevant
- 2) Generally, if an arrest is made for any of the following offenses, officers shall take the defendant into custody;
- a) C.G.S. 14-227a - Operating a motor vehicle under the influence of liquor or drugs.
 - b) C.G.S. 53a-119(a)(d) - Using a motor vehicle without the permission of the owner.
 - c) C.G.S. 14-224 - Evading Responsibility when it involves extensive property damage, serious injury or death.
 - d) Arrest by Warrant.
 - e) Any Felony Arrest.
 - f) Extenuating circumstances may exist which may preclude an officer from making an in custody arrest. This may include;
 - 1) If the defendant is injured, transported to a medical facility, etc.
 - 2) When directed by the Shift Supervisor to do otherwise.
2. For cases involving domestic violence, C.G.S. 46b-38b stipulates that if probable cause exists that a family violence crime has occurred, the officer shall arrest the person suspected of committing the crime.
3. Unless dictated by policy, the preferred alternative to arresting an offender suspected of committing a minor criminal and/or motor vehicle offense, shall be for the officer to issue a misdemeanor summons in the field and avoid taking the offender into custody and pre-arraignment confinement.

C An officer may arrest a suspect as long as he/she has probable cause to believe a crime has been committed. The officer must document his/her actions and have reason to believe that the suspect has committed a crime. If, however, a post-arrest situation occurs in which an officer concludes reasonably and in good faith that there is substantial doubt as to correctness of the original probable cause determination of an arrest, he or She shall notify the Shift Commander immediately of that fact.

- 1. If the Shift Commander also believes that there is substantial lack of probable cause to support the arrest, He or she shall:
 - a. Advise the arresting officer to release the person as soon as possible.

- b. Inform the arrested person that he or she is not required to appear in court.
 - c. Insure that a Uniform Arrest Report (UAR) is not completed.
 - d. Insure that the person is not required to sign a written promise to appear form.
2. In such cases, a copy of the incident report shall be promptly forwarded to the Chief of Police, Commander of the Operations Division and States Attorney's Office. The report shall include all relevant facts and circumstances surrounding the arrest and be completed as soon as practicable.

V DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

VI EFFECTIVE DATE

This general order approved by the Police Commission on April 19, 1989, and is effective April 27, 1989.

Reviewed April 2000
Revised November 2000
Reviewed May 2006

Per Order,

Edward J. Nadriczny
Chief of Police