GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

DATE EFFECTIVE: December 24, 2018
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I. PURPOSE AND RESPONSIBILITY:

A. Purpose: To set the policy and establish the procedures for responding to family violence situations in the town of Monroe, CT.

B. Responsibility:

1. It will be the responsibility of all officers, dispatchers or other designated personnel of this Police Department to follow these procedures that are aimed at serving as a meaningful guide when responding to incidents of

family violence.

2. It will be the responsibility of the Chief of Police to designate a Monroe Police Department Command Officer to annually submit a report to the Commissioner of Emergency Services and Public Protection confirming this agency's compliance with the model law enforcement policy on family violence. This shall be done no later than July 1 of each year.

II. DISCUSSION:

A. This General Order deals with the policy and procedures for the response to family violence incidents. It is the policy of this Department that family violence be treated as serious, violent, or potentially violent, criminal behavior and, consistent with this policy that officers, dispatchers, and other designated personnel fully comply with the Family Violence Prevention and Response Act to:

1. Make arrest decisions in such cases in accordance with traditional probable cause standards and existing state statutes;

2. Protect victims of domestic violence and provide them with relevant information regarding the availability of community services and support ("Duty to Protect");

3. Serve as a minimum standard for this Department to follow with the opportunity to add enhancements that serve to reflect the needs of the Monroe community; and

4. Promote officer safety when dealing with family violence situations.

B. This General Order is written in such a manner that it follows the guidelines and procedures set forth in the Family Violence Model Policy that was updated by The Domestic Violence Criminal Justice Response and Enhancement Council, established pursuant to Connecticut Statutes 46b-38j, and adopted on September 24, 2026 by the Police Officer Standard and Training Council in accordance with Connecticut General Statutes 46b-38b(g)(3).

III. **DEFINITIONS:**

A. FAMILY VIOLENCE: Is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur. (CGS 46b-38a(1) (2013).

B. FAMILY VIOLENCE CRIME: Is a crime as defined in CGS 53a-24, other than a delinquent act as defined in CGS 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” includes any violation of sections 53a-222, 53a-222a, 53a-223, 53a-223a, or 53a-223b when the condition of release or court order is issued for an act of family violence or a family violence crime. “Family Violence Crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. CGS 46b-38a(3) as amended by PA 21-78.

C. FAMILY or HOUSEHOLD MEMBER, as defined in CGA 46b-38a(2) means any of the following persons, regardless of 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 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. CGS 46b-38a(2) (2013).

NOTE: PA 19-189, clarifies the mandatory arrest carve out added to the state’s family violence arrest statute in 2018 only applies to “non-family platonic roommates” in the following living situations:

• Attending an institution of higher education and presently residing together in on-campus housing or off-campus housing owned, managed, or operated by the institution of higher education or its agent, or

• Presently residing together in a dwelling unit and making payments pursuant to a rental agreement

Because the definition of a family or household member under Section 46b-38a has not changed, platonic roommates are still able to apply for relief from abuse under a family violence restraining order in civil courts.

D. POSSESS: As per CGS 53a-3(2), means to have physical possession or otherwise to exercise dominion or control over tangible property.

E. SAFETY PLAN: Is a plan developed between a certified domestic violence advocate/counselor or a police officer and a victim/survivor 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.

F. SHORT-TERM SAFETY PLAN: Is 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 a friend, family member or advocate for support; or going to a safe place for the night.

G. LONG-TERM SAFETY PLANNING: Is a plan developed with an advocate which allows individualized preparation for situations the survivor and child(ren) or family may encounter regardless of what the survivor decides to do about the relationship with the abuser.

H. TRAUMA-INFORMED CARE: Pursuant to CGS 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;

4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.

I. ADVOCACY characterizes the work of a certified domestic violence advocate, working for a designated domestic violence organization who is working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach.

J. FAMILY VIOLENCE VICTIM ADVOCATE (FVVA): Is a person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

K. CHILD AND FAMILY ADVOCATE: Is a person who working within and supervised by a domestic violence organization whose primary role is to provide services, support and advocacy to sheltered and non-sheltered child, adolescent

and teen victims of domestic violence and their families.

L. DOMINANT AGGRESSOR: Means the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime. (CGS 46b-38a(5)

IV. ORDERS OF PROTECTION (OOP):

A. CONDITIONS OF RELEASE ORDER for family violence should be set by Law Enforcement or Bail Commissioner upon release from custody, and remains in effect until the arrested person has been presented before the Superior Court [CGS 54-63c(b)]. For Law Enforcement specifically, in addition to completing the JD-CR-146, the shift supervisor shall ensure that the conditions and restrictions are entered into NCIC as a File 20 with restrictions.

B. RESTRAINING ORDER: Is an order issued by a judge of the civil court against a person who is a family or household member, usually after a hearing, but the court may issue the order immediately upon application by the victim as an “ex parte” order to remain in effect until the hearing. In the restraining order, the judge can order the abuser not to hurt or harass the victim. The judge may also order the abuser to move out of the home and order the victim to have temporary custody of the children.

C. PROTECTIVE ORDER: Is an order issued by a *criminal court* judge and is directed against a defendant who has been arrested for a family violence crime or whenever a protective order is an appropriate remedy in a criminal case.

D. STANDING CRIMINAL PROTECTIVE ORDER (SCPO): Is an order issued by a criminal court judge at the time of an offender’s sentencing. This order can remain in effect for a significant duration of time. Previously known as a "Standing Criminal Restraining Order (prior to October 1, 2010) with no expiration date.

E. FOREIGN ORDER OF PROTECTION: Is any protection order, as defined in 18 USC 2266, a restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory, or possession of the United States or an Indian tribe.

F. CIVIL PROTECTION ORDER: Means any order of protection issued by a civil court to protect an applicant who has been the victim of stalking, sexual assault and/or sexual abuse that is not related to family or domestic violence.

NOTE: Pursuant to CGS 53a-223, no person who is listed as a protected person in any order of protection may be liable for:

1. Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order; or

2. Conspiracy to violate such order.

V. POLICY

A. It will be the policy of the Monroe Police Department to immediately assist any person who reports any family violence incidents.

B. It will be the policy of the Monroe Police Department that all officers, dispatchers, and any other designated personnel adhere to the procedures and policies set forth in this General Order.

VI. PROCEDURES:

A. RESPONSE PROCEDURES: The following are procedures for responding to all family violence reports received by this Department.

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

a. The caller's name and relationship to the offender;

b. The victim's name and the offender's name, and their relationship to each other;

c. The nature of the abuse, or suspected or sustained injuries;

d. Whether weapons were implied, involved, and/or present;

e. Previous, available complaint history;

f. Whether the victim has a current Order of Protection (OOP);

g. Whether a court order of protection is in place;

- Check the Connecticut Protective Order Registry – File 20 - and relay the information to the responding officer;

h. Whether children are present or involved;

i. Whether there is a presence of alcohol, drugs, or mental illness; and

j. Telecommunications personnel are reminded that family violence victims are provided with the incident case number and contact information for the investigating agency, in order for them to obtain periodic updates as to the offender's incarceration status. Telecommunications personnel are to assist victim(s) who make such inquiries as to defendants who remain housed at the investigating agency.

2. RESPONDING OFFICER: Officers will respond to and investigate complaints of persons who are victims of family violence in a safe and expeditious manner. All of these calls should be regarded as potentially high-risk calls for police officers. The following are officer response procedures:

a. Assess and define the nature of the incident by talking to parties separately - where it is safe and practical - and not in view of one another;

b. Determine the presence and status of any weapons and refer to the policy in Section J, Weapons;

c. Provide assistance to the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression.

1. Assist the victim to obtain medical treatment if such treatment is required.

2. Notify the victim of the right to file an affidavit for a warrant for arrest.

3. Inform the victim of services available by providing the victim with contact information for Connecticut Safe Connect, to link to a certified domestic violence counselor for help. 1-888-774-2900 or www.ctsafeconnect.org. Help may be accessed through Safe Connect via phone call, live chat, text, or email with a connection to a local domestic violence organization.

4. Provide assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable.

5. 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.

d. Determine whether the offender is the subject of any Order of Protection or Conditions of Release that includes "no contact with the victim" or "no use or possession of a dangerous instrument or possessing any deadly weapons";

e. Verify that the order and conditions apply to the involved victim and offender;

f. Determine whether children (under 18 years of age) are present, that they are safe, unhurt, and complete the following if necessary:

1. Ascertain that they are safe;

2. If child abuse and/or neglect is suspected, report to DCF by phone [CGS 17a-101b] and complete form DCF-136 [CGS 17a-101c];

3. Interview children as witnesses according to circumstances and department policy and make arrangements for their care if dual custody arrests are made;

4. Do not use children to serve as interpreter for the adult;

5. Consider a trauma informed (forensic interview) when necessary;

6. When possible and appropriate, work cooperatively with the Child and Family Advocate at the regional family violence provider or other mental health and child welfare agencies to identify opportunities to more fully offer children trauma informed services and a response at the scene of a family violence incident and develop strategies that measure impact;

7. On and after January 1, 2023, provide the victim a copy of the documents concerning behavioral and mental health evaluation and treatment resources available to children for the mental health region in which such victim is located. [CGS 46b-38b(f) as amended by PA22-47].

- (Link to Mental Health Resources, "CT Connecting to Care")

8. When appropriate, consider utilizing the Emergency Mobile Psychiatric Services (EMPS) at the scene.

g. If abuse and/or neglect of an elderly person or a person with

intellectual disability is suspected, complete the required reports and/or notifications;

h. Obtain a statement from the victim, and when appropriate, a signed medical release form with the victim's consent;

i. Carefully document the condition of the scene;

j. When possible, photograph the scene and any visible injuries to the victim;

k. When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. [CGS 46b-38a(b)];

l. Give the victim(s) a "Victim of Crime Card" containing information about victim's rights and phone numbers for services [CGS 46b-38b(f)]. [CGS 54-216] permits victims of domestic violence to obtain restitution services from the Office of Victim Services;

m. Provide assistance to the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression. Officers are strongly discouraged from requesting information about or otherwise investigating or assisting in the investigation of citizenship or residency status of any victim, unless such inquiry or investigation is required by statute, ordinance, federal regulation, or a court decision. Officers should refer to the uniform enforcement protocol for treating victims of family violence whose immigration status is questionable, and is contained in POSTC General Notice 10-1 which can be found at www.ct.gov/post under General Notices.

n. Before leaving the scene, identify the local domestic service provider, and help the victim to develop a short-term safety plan;

o. The officer conducting the screen shall follow the appropriate protocol according to the results of the screen. Resources to support officers are available on the www.CTLAP.org website.

p. Explain to the victim the process of arrest, arraignment and bond, including that the offender will be arraigned at the next available court date and that prior to arraignment the victim can call CT Safe Connect at 1-888-774-2900 or go to www.CTSafeConnect.org 24/7, 365 days a year for support, resources and safety planning, with a connection to a local domestic violence organization;

q. On the day of the arraignment, the FVVA will provide the victim with accurate information regarding the court process and her/his constitutional rights as a crime victim. The FVVA will represent the victim's wishes to the court. The FVVA will provide information and referrals regarding available community services, register victims for CT SAVIN case notification, assist with applying for Victim Compensation and will help the victim develop a short/long-term safety plan. (*The FVVA will only disclose information as authorized by the victim – otherwise, any information given by the victim to the FVVA is confidential, or that which is required by law.)

r. Victim safety is enhanced when he/she has information in regard to the offender's incarceration status. The offender might not be held overnight or may be released shortly after the arrest. A representative of this Department shall provide the victim(s) with the incident case number and appropriate contact information for this agency. Victim(s) are to be encouraged to contact this agency at the number provided for periodic updates as to the offender's incarceration status as they deem appropriate. It is highly recommended that in domestic violence incidents, which includes investigations of order of protection violations, an officer not notify the alleged offender of a pending arrest or offer voluntary surrender. Volunteer surrender should only be offered where there are unusual circumstances related to officer or victim safety, etc. that would warrant the voluntary surrender;

s. When an officer believes that a recorded 911 call or any recorded

call for police response will enhance an investigation, he/she should request, pursuant to department policies, that the recorded call be preserved, seize the recording as evidence and document the seizure in the incident report;

t. Complete, file and forward to the appropriate agencies a Family Offense Report, DPS-230-C, to include the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP) (Electric versions of the DPS-230-C must be printed and sent to the Crimes Analysis Unit);

u. Document any visible injuries within the report;

v. Document any verbal statements made by victim(s), offender, or witnesses and distinguish the statements with quotes where appropriate;

w. Initiate a BOLO (Be on The Lookout) for the offender if probable cause for an arrest is developed and the offender has left the scene and complete a signed/sworn report/affidavit to support the arrest in the event the offender is located and arrested;

x. The provisions of CGS 46b-38b shall not apply to persons who are 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 subparagraph (A), (B), (C), (E), or (F) of Subdivision (2) of section 46b-38a, or presently residing in a Dwelling unit, as defined in CGS 47a-1, and making payments pursuant to a rental agreement, as defined in CGS 47a-1, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E), or (F) of Subdivision (2) of section 46b-38a. [CGS 46b-38a(j)];

y. The officer will complete form mpd-35bbb, Domestic Violence Lethality Assessment, when he/she responds to a domestic situation that involves intimate partners and any one or more of the

following exist:

1. There is reason to believe that an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest;

2. There is a belief or sense on the part of the field officer that once a victim is no longer in the care or presence of the field officer the potential for assault or danger is high;

3. Names of parties or location are repeat names or locations;

4. The field officer believes that as other circumstance(s) dictate that completion of the LAP protocol would be beneficial to promote safety.

If unsure of how to proceed in any situation, seek guidance from the supervisor.

3. SUPERVISOR: The on-duty patrol supervisor will oversee all incidents of domestic violence calls for service and additionally this Department shall designate at least one officer with supervisory duties to expeditiously review and oversee the Police Response to Crimes of Family Violence policies, procedures and guidelines, and to enhance this Department's response to victims, community and court personnel with respect to family violence. The on-duty supervisor shall ensure that the following is done in all domestic violence situations:

    a. Conduct a probable cause review at the scene (when necessary and feasible) and/or at booking and review all arrests, dual arrest situations and self-defense issues;

    b. Ensure that all reports, including the Family Violence Offense Report, DPS-230-C, are properly completed, filed and forwarded to the Crimes Analysis Unit on a recommended monthly basis (Crimes Analysis accepts faxed, emailed or mailed hard copies.);

c. Ensure that follow-up investigative responsibilities, victim safety and offender release considerations are coordinated to allow for shift changes and/or referral to specialized officers;

d. Expedite the arrest warrant execution as soon as possible upon approval from the court;

e. Be aware that under CGS 54-63c(a), any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear (PTA);

f. Conditions of release for family violence should be set by the shift supervisor, CGS54-63c(b), or the bail commissioner CGS 54-63d(c). Either the duty supervisor or the bail commissioner should enter or ensure that a File 20 has been entered into NCIC, with the appropriate conditions/restrictions listed;

    1. If the defendant fails to appear in court on their initial assigned court date, Family Services will send the arresting agency, the "Police Notification – Family Violence Defendant Failure to Appear at Initial Hearing Date" JD FM-277 form advising of such. The arresting Agency should consider modifying the conditions of Release expiration date until the defendant appears in court.

g. 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, who in turn may authorize the police department to delay release on the Bail Commissioner's recommendation until the arraignment. CGS 54-63d(d).

h. Each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously review and oversee the Police Response to Crimes of Family Violence Model Policies, Procedures,

and Guidelines and to enhance such agency's response to victims, community, and court personnel with respect to family violence.

i. Each law enforcement agency shall annually (on or before July 1) submit the *Survey to Determine Compliance with the State of Connecticut Family Violence Model Policy* form (DESPP-231-C) to the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP), regarding the law enforcement agency's compliance with the Connecticut Family Violence model policy. CGS 46b-38b(g)(4)

B. ARREST GUIDELINES: This Department relies upon Connecticut General Statutes and professional police standards to determine the various types of arrests.

1. GENERAL CONSIDERATIONS:

a. Except as provided in subsection (b) and (c) of this section, whenever an officer determines probable cause that a family violence crime, as defined in CGS 46b-38a(3), has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime(s) [CGS 46b-38b (a)];

b. The Family Violence Prevention and Response Act (FVPRA) does not alter standards for arrest. Traditional, constitutional and statutory standards, including CGS 54-1f guidelines, should direct decisions and procedures for making and processing family violence arrests. An officer must determine that probable cause exists for any charge which forms the basis for an arrest;

c. When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. [CGS 46b-38b(b)];

d. In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence:

1. whether one person acted in defense of self or a third person,
2. the relative degree of any injury,
3. any threats creating fear of physical injury, and
4. any history of family violence between such persons, if such history can reasonably be obtained by the peace officer.

e. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor;

f. No officer investigating an incident of family violence shall threaten, suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party [CGS 46b-38b(d)];

g. 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;

h. An officer can choose to make a custodial arrest, a summons arrest, or, in limited situations, may apply for an arrest warrant. Determination of which type of arrest to pursue should include careful consideration of imminent safety concerns for the victim and his/her children.

1. Whether or not an accused posts bond, he or she shall be scheduled for arraignment before the superior court for the geographic area where the offense is alleged to have been committed on the next regularly scheduled day of court business. [CGS 54-1g].

2. If an arrested person is hospitalized, or has escaped or is otherwise incapacitated, the person shall be presented, if practicable, to the first regular sitting after return to police custody.

2. PROHIBITED CONSIDERATIONS: Pursuant to CGS 46b-38b(a), the decision whether to arrest ***shall not*** be influenced by the following:

a. The specific consent of the victim;

b. The relationship between persons suspected of committing a family violence crime -the seriousness of crimes committed between family or household members is not mitigated because of the relationships, living arrangements or genders of those involved;

c. Solely on the request of the victim;

- ***In addition to the statutory considerations above***, the following considerations should not influence the decision to arrest an offender:

a. *The fact that civil proceedings such as separation, divorce or custody disputes are pending*. Pending civil action does not preclude a thorough investigation and arrest if probable cause exists. Officers should not assume parties are using claims of domestic violence to gain advantages in civil actions. It is well documented that violence escalates when victims take steps to seek protection and/or leave a violent relationship;

b. *The victim's previous unwillingness to participate in the complaint or arrest process*. Often, a victim may be immobilized by fear. Officers should treat each incident with equal importance. There is no way to tell when a victim may be in more danger or when an abusive partner may become more violent;

c. *The number or frequency of calls for police assistance at a particular location*. It is well documented that the level of violence may increase over time and escalate significantly when a victim seeks assistance;

d. *The victim's wishes to not have the suspect arrested*. Officers should emphasize that criminal action is being initiated by the state, not the victim;

e. *Assurances from the offender that the violence will cease*. If probable cause for an arrest exists the officer must proceed accordingly.

3. REDACTION OF NAMES/ADDRESSES IN ARREST RECORDS: Pursuant to CGS 1-210 (19), law enforcement agencies shall redact the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, (or) injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof, or (H) uncorroborated allegations subject to destruction pursuant to section 1-216, from any arrest record release to the public.

4. MISDEMEANOR ARREST:

   a. JURISDICTION: An officer (who does not have statewide jurisdiction) may arrest for misdemeanor crimes only within the geographical boundaries of the territory covered by his/her department, with two exceptions:

      1. An officer may arrest outside his/her jurisdiction anywhere within Connecticut if there is probable cause based on “speedy information” that the crime(s) occurred within his/her jurisdiction and the officer is in immediate pursuit of the suspect [CGS 54-1f(c)];

      2. An officer may arrest anywhere in Connecticut if his/her department holds a valid arrest warrant for the accused.

5. FELONY ARRESTS:

   a. JURISDICTION: An officer may arrest anywhere within Connecticut if he/she has probable cause to believe the suspect has committed a felony;

   b. “Speedy Information” is not required for a felony arrest, however, absent speedy information, it is recommended that the officer obtain an arrest warrant unless there is concern for safety and/or flight;

   c. A criminal violation of an order of protection is a felony crime and could be deemed to impact the safety of the victim. If a warrantless arrest is not made, an arrest warrant application and an execution of

a warrant should be expedited.

6. ORDERS OF PROTECTION – ELECTRONIC & TELEPHONIC COMMUNICATIONS:

a. Any person listed as a protected person on a restraining order, protective order, standing criminal protective order or foreign order of protection who believes that an electronic or telephonic communication received by the person constitutes a violation of section 53a-223, 53a-223a or 53a-223b may file a complaint reporting such alleged violation with the law enforcement agency for the town in which:

1. Such person resides;

2. Such person received the communication, or

3. Such communication was initiated.

b. Such law enforcement agency shall:

1. Accept such complaint;

2. Prepare a police report on the matter;

3. Provide the complainant with a copy of such report and investigate such alleged violation;

4. Shall, if necessary, coordinate such investigation with any other law enforcement agencies and;

5. Upon request of the complainant, notify the law enforcement agency for the town in which the complainant residents. (Sec. 54-1r)

7. HARASSMENT/STALKING – Electronic or telephonic communication

a. Jurisdiction for investigation of violations of:

- Harassment in the first degree (sec. 53a-182b)
- Harassment in the second degree (section 53a-183)
- Stalking in the second degree (Sec. 53a-181d)

shall be deemed to have been committed either:

- at the place where the communication originated or;
- at the place where it was received.

8. WARRANTLESS (ON-SITE) ARREST CONSIDERATIONS:

   a. CGS 54-1f authorizes an officer to arrest, without previous complaint and warrant, any person for any offense (felony or misdemeanor) that occurred within his/her jurisdiction, when the person is taken or apprehended in the act or on the "speedy information" of others;

   b. "Speedy Information" is information received during the course of or promptly after the commission of the crime and is of such character that the officer has reasonable grounds to accept it as true. Whether such information constitutes speedy information depends on two considerations:

      1. How proximate in time the information is to the crime; and

      2. Whether the officer was justified in accepting the information and relying on it. (It is the officer's responsibility to check the truthfulness, reliability, and basis of knowledge of the person providing the information.)

9. WARRANT ARREST CONSIDERATIONS:

   a. In family violence cases, an arrest warrant should be sought only in limited circumstances, such as:

      1. When further investigation is needed to establish probable cause (i.e. self-defense, etc.);

2. When the offender cannot be located pursuant to speedy information;

3. For a misdemeanor arrest when there is no speedy information;

4. For a felony arrest when there is no speedy information, unless there is concern for safety and/or flight. A criminal violation of an order of protection is a felony crime and should be deemed to impact the safety of the victim.

b. Once an officer has determined that probable cause exists, an arrest warrant should be sought as soon as possible.

c. If a warrant must be sought in any incident involving the use or threatened use of a weapon (electronic defense weapon or firearm), an officer should expedite the application for an execution of the arrest warrant. An officer should consider contacting the State Attorney of that jurisdiction in order to expedite the review of the arrest warrant;

d. All crimes for which probable cause exists should be charged and the facts supporting each charge, including violence or threats of violence, should be detailed in the warrant.

e. Upon arrival from the court and after receipt of an active arrest warrant, the investigating agency shall make attempt (s) to make service of the arrest warrant as soon as possible.

f. The investigating agency shall make repeated attempts to serve the warrant until the offender is arrested, as are appropriate to the circumstances of a given case.

g. The investigating agency shall ensure that attempts to serve the arrest warrant are not hindered by personnel on days off or extended leave and should consider reassignment of the case in order to expedite service.

h. Once a domestic violence arrest warrant has been served, the investigating agency shall make attempt(s) to notify the victim of the arrest. If the offender is held on bond, explain to the victim that the offender might not be held overnight and may be released shortly after the arrest. This Department shall provide the victim with the appropriate contact information for this agency. Victims are to be encouraged to contact this agency, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate.

C. DUAL COMPLAINTS, DOMINANT AGGRESSOR AND SELF-DEFENSE: In family violence situations, it is not uncommon for the victims of family violence to defend themselves from abusive partners. It is also not unusual for offenders to claim that they were acting in self-defense in an effort to justify their violent or threatening act or to attempt to punish the victim for summoning law enforcement. As a result, when officers respond to complaints of family violence, they often face dual complaints from multiple parties. Such situations require responding officers to investigate each complaint separately and determine if either party used force as a means of self-defense.

As discussed previously in the General Considerations section, [The FVPRA] *CGS* 46b-38b(a), requires, in part, that; "*whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime."* This cited section of the statute provides the basis for what is commonly referred to as the *"mandatory arrest policy"* that is central to Connecticut's family violence laws. The statute also directs the response of law enforcement when dealing with dual or multiple complaints and claims of self-defense in family violence cases, which may provide an exception to the "mandatory arrest policy."

1. DUAL COMPLAINTS AND DOMINANT AGGRESSOR: When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. In determining which person

is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor. [CGS 46b-38b(b)].

If a peace 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 peace 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. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests. [CGS 46b-38b(c)].

No peace officer investigating an incident of family violence shall threaten, suggest or otherwise indicate, the arrest of all persons involved in such incident for the purpose of discouraging any request from a person for law enforcement intervention. [CGS 46b-38b(d)].

No peace officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a family violence incident for (1) an arrest based on probable cause; [or for] (2) any conditions of release imposed pursuant to subsection (b) of section 54-63c, or (3) determinations made pursuant to subsection (b) or (c) of this section. [CGS 46b-38b(e)].

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.

The FVPRA requires officers to arrest a person only if there is probable cause to believe that person committed a family violence crime. Officers are prohibited from threatening, suggesting or otherwise indicating the arrest of all parties involved in an incident of family violence for the purpose of discouraging requests for law enforcement intervention by any party. [CGS 46b-36b(d)].

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, [CGS 46b-38b(c)]. In some instances, officers may receive dual complaints, but thorough investigation may only establish probable cause to arrest one of the parties. In other instances, there may be probable cause to arrest one party for a family violence crime and the other for a non-family violence charge, such as interfering with an officer. This does not constitute a dual arrest. Officers should thoroughly document in the report all claims and complaints, as well as any facts and/or circumstances that either corroborate or disprove the claim or complaint. An officer should determine what type of arrest is necessary and appropriate under the circumstances, e.g., a misdemeanor summons arrest, a custodial arrest, or, in limited situations, a later arrest by warrant.

2. SELF DEFENSE: In determining which person is the dominant aggressor, the peace officer shall consider whether…if one person acted in defense of self or a third person…[CGS 46b-38b(b)]

Determining whether or not a person is criminally liable when allegedly acting in self-defense can often by a complex legal issue. This section is not intended to be a complete, exhaustive summary of the law regarding self-defense, but rather, is an aid to responding officers in determining whether an arrest may or may not be required under the existing family violence statutes. If any officer is unsure how to proceed in a situation involving self-defense and/or dual complaints, the officer should contact a supervisor and/or state’s attorney.

The law in Connecticut recognizes that the use of physical force upon

another person which would otherwise constitute a criminal offense is justifiable and therefore not criminal in certain circumstances. CGS 53a-19 is applicable in the context of family violence crime and addresses such circumstances.

CGS 53a-19. Use of physical force in defense of person:

This statute defines self-defense and the defense of others. It provides that "*a person is justified in using reasonable physical force upon another person to defend himself/herself or a third person from what he/she reasonably believes to be the use or imminent use of physical force, and he/she may use such degree of force which he/she reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force or (2) inflicting or about to inflict great bodily harm*."

Essentially, the statute *requires that, before a person uses physical force in self-defense or to defend a third person, she/he must have two "reasonable beliefs."*

a) The first is a reasonable belief that physical force is being used or about to be used upon her/him or another.

b) The second is a reasonable belief that the degree of force she/he is using to defend her/himself is necessary for that purpose.

When attempting to determine whether or not a person was justified in using self-defense and therefore not subject to the mandatory arrest provisions of the law, the responding officer **must make his or her own judgments** about the reasonableness of these "beliefs". In making these judgments the officer must first consider:

a) The situation from the perspective of the person acting in self-defense; that is, "what did the person actually believe", and because state statute requires that the defendant's belief be reasonable, and not irrational or unreasonable under the circumstances;

b) Whether a reasonable person in the defendant's circumstances could have reached that belief.

The responding officer can determine the reasonableness of the defendant using self-defense by analyzing the following elements:

a) That the actor actually believed that someone else was using or about to use physical force against them or a third person;

b) That such belief was reasonable because a reasonable person in the actor's circumstances would have shared the belief;

c) That the actor actually believed that the degree of force he/she used was necessary to repel the attack;

d) That such belief was reasonable because a reasonable person in the defendant's circumstances, viewing those circumstances from the defendant's perspective, would have shared that belief.

3. EXCEPTIONS TO SELF-DEFENSE - There are exceptions to the use of such physical force in defense of a person. For example, **"**a person is not justified in using physical force when:

a. he/she provokes the use of physical force by such other person, or;

b. he/she is the initial aggressor, except that his/her use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force . . ."

c. and "a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety by retreating,

except that the actor shall not be required to retreat if he or she is in his or her dwelling . . ."

D. "OFFICER INVOLVED" DOMESTIC VIOLENCE CASES: Police Departments must recognize that law enforcement personnel, whether sworn or civilian, are not immune from committing domestic violence against their intimate partners or being victims of domestic violence. Although no person is exempt, whatever his/her occupation, from the consequences of his/her actions that result in a violation of the law, the dynamics between the responding and accused officers have the potential for making on-scene decisions additionally difficult. The following incident and response protocols are critical components to the integrity of the law enforcement profession and the trust of the community:

1. SWORN PERSONNEL FROM AN OUTSIDE AGENCY:

   a. If an officer from another agency is involved in a family violence incident and probable cause exists for the officer's arrest, the officer shall be arrested.

   b. The highest ranking on-duty shift supervisor shall notify the officer's agency as soon as possible, but no later than by the end of the supervisor's shift.

2. SWORN PERSONNEL FROM WITHIN THE DEPARTMENT:

   a. If an officer from this Department is involved in a family violence incident and probable cause exists for the officers' arrest, the officer shall be arrested;

   b. The highest ranking on-duty shift supervisor shall notify the following personnel:

      1. Chief of Police
         a. In the event that the suspected domestic violence offender is the chief of police or other administrative

head of the police agency, notification shall be made to the town's chief executive officer (First Selectman);

2. Deputy Chief/Captain;

3. The Officer's Division Commander.

c. The family violence incident will be criminally investigated by an officer at least one(1) rank higher than the officer involved in the incident;

d. In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, the matter will be referred to the State's Attorney of that jurisdiction for investigation.

1. The investigating officer shall ensure that the agency complies with the policy provisions of section *V. Recommended Response Procedures: Responding Officer* and CGS 46b-38b(d)

e. An Internal Affairs investigation will be conducted during or upon the conclusion of the criminal investigation;

f. If a court order (i.e., Protective Order, Restraining Order (includes ex-parte order), or a Foreign Order of Protection) is issued against the officer, the following will be done:

1. The officer shall surrender all law enforcement agency-issued firearms to the Chief of Police or his/her designee;

a. In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, firearms shall be surrendered to the town's chief executive officer (First Selectman) or their designee.

b. In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, and that individual is simultaneously

serving as the town's chief executive officer (serving as the mayor, town manager, town administrator, etc.) these firearms shall be surrendered to the town's hiring authority or administrative head of the town's governing body (such as a town council or board of selectpersons). Appropriate assistance with the safe handling of such firearms may be obtained, if needed, from appropriate police personnel.

2. The officer shall be prohibited from carrying a firearm while the Order of Protection is in force and effect;

g. Further, in accordance with Connecticut General Statutes, the officer will surrender all pistols, revolvers, other firearm(s), ammunition, and/or electronic defense weapon(s) to the Commissioner of Emergency Services and Public Protection(DESPP) or any local police department, or transfer via sale all pistols, revolvers, other firearm(s) and ammunition to a federally licensed firearms dealer, as required by [CGS 29-36k] and provide the Chief of Police or his/her designee with proof of this requirement;

1. In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, proof of satisfaction of this requirement shall be provided to the town's chief executive officer (First Selectman) or their designee.

h. If the officer possesses a state pistol permit or a temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate, he/she will surrender the permit/certificate(s) to the State of Connecticut Department of Emergency Services and Public Protection, Division of State Police. (CGS 29-36k);

i. If the officer possesses an issued temporary pistol permit issued by this Department, he/she will surrender the permit to the Chief of Police within the guidelines of the court order;

j. The Chief of Police or his/her designee may do the following:

1. Suspend the officer without pay;

2. Assign the officer to administrative duties;

a.) In the event that the suspected domestic violence offender is the chief of police or other administrative head of the police agency, such action may be taken by the town's chief executive officer (First Selectman) or their designee.

k. Pursuant to CGS 46b-38b, ensure that this department:

1. Assists the victim in obtaining medical treatment if such treatment is required

2. Notifies the victim of the right to file an affidavit for a warrant for arrest;

3. Informs the victim of services available and refers the victim to the Office Victim Services;

4. Remains at the scene for a reasonable judgment of the officer that the likelihood of further imminent violence has been eliminated;

l. Help the victim develop a short-term safety plan.

E. ORDERS OF PROTECTION (OOP): (Please also see Reference Chart at the end of this Document) Implicit in the issuance of an OOP is a court's finding that a named protected party(ies) is in imminent danger or risk of harm from a named respondent. In the interest of immediacy, and in light of the threat always present when an order of protection is violated, coupled with the statutory mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated a restraining order (including an ex parte order), protective order, standing criminal protective order, a foreign order of protection, or the Conditions of Release. Once probable cause for arrest has been established and if the offender has left the agency's

jurisdiction, the officer shall notify the communications unit dispatcher to advise neighboring jurisdictions or jurisdictions where the offender is believed to have fled, that there is probable cause to arrest the offender and to do so if the offender is located, and complete a signed/sworn report/affidavit to support the arrest. This agency, as soon as practical, shall prepare an arrest warrant at this juncture. The officer's authority and mandates to arrest are set forth in CGS 46b-38b and CGS 54-1f.

A very important role for law enforcement in family violence cases is the enforcement of *Orders of Protection.* Police should make use of the Connecticut Protective Order Registry – File 20.

1. TYPES OF ORDERS: Officers should be aware that the words "**Orders of Protection**" generally could refer to any type of order. Most especially, in the federal law regarding interstate enforcement of *orders of protection*, the reference is general--not specific as to any one of Connecticut's types of such orders. Each state has its own type(s) and titles of orders that may or may not be equivalent to one or any of Connecticut's orders. Connecticut has several types of orders of protection available for victims of family violence, including the following:

    a. Restraining Order (RO); (includes Ex-Parte Order)

    b. Protective Order (PO)

    c. Civil Protective Order (includes Ex-Parte Order)

    d. Standing Criminal Protective Order (SCPO)

    e. Foreign Orders of Protection

    f. Conditions of Release (COR) (that include "no contact with the victim" and "not to use or possess dangerous instruments or possessing deadly weapons")

    g. Family Court Orders.

SUBJECT: FAMILY VIOLENCE RESPONSE

Each type of order has specific characteristics, requirements for issuance and penalties for violation. See Appendix for a ***Comparison of Orders of Protection*** chart that summarizes and compares the types of orders, how they are issued, what they may include and how they are enforced. This Appendix can also be located in the Protective Order Registry Books that are located in the communications control center and the patrol roll call room on a 24-hour basis. Officers should fully understand all aspects of each type of order.

2. STANDARD CONDITIONS: It is important to understand that orders of protection are issued by the court against the offender for the protection of the victim. They restrict the offender's behavior and only the offender can violate the order. Standard conditions in an OOP or SCPO (CGS 54-1k) may include provisions enjoining the offender from:

   a. Imposing any restraint upon the person or liberty of the victim;

   b. Threatening, harassing, assaulting, molesting or sexually assaulting the victim; and

   c. Entering the family dwelling or the dwelling of the victim.

   A judge (pursuant to CGS §54-64a) or a bail commissioner (pursuant to CGS §54-63d) can impose on any person charged with a felony, misdemeanor or motor vehicle violation for which a term of imprisonment may be imposed a **Condition of Release** that she/he have "*no contact with the victim"* in that case. A person who intentionally violates that condition should be arrested for Violation of a Condition of Release. [CGS 53a-222 or 53a-222a]

3. SPECIAL CONDITIONS: A judge may order special conditions in an OOP that include but are not limited to the following:

   a. No direct or indirect contact with the victim; and

   b. Not to go or remain within a specific distance of the victim.

SUBJECT: FAMILY VIOLENCE RESPONSE

F. DOMESTIC VIOLENCE AND ALERT NOTIFICATION/GPS MONITORING PROGRAM: Based on legislation that was passed in 2023, the State of Connecticut Judicial Branch operates an Alert Notification/GPS monitoring program (AN/GPS). **This program, offered in each adult criminal court in the state, is designed to enhance victim safety by utilizing GPS technology to provide warning/notification to victims of domestic violence when an offender is within a certain proximity of their location or is otherwise non-complaint with program rules.** The AN/GPS program has specific statutory and victim participation criteria that must be met for an offender to be placed on the program by a judge.

The AN/GPS program **is different than the operations utilized by Parole and Probation** for electronic monitoring of offenders in the community. The basic differences are that the AN/GPS program centers on victim safety by alerting that person if the offender is in proximity and a 24/7 local law enforcement response is built into the protocols. Probation and Parole may contact law enforcement, but this is discretionary rather than immediately done as with the AN/GPS program. Offenders who are arrested for a Violation of an Order of Protection or other serious related crimes and also have a significant history of prior domestic violence arrests and/or pose potential harm to a victim can be ordered by a judge to wear a GPS-equipped ankle bracelet.

Victims who choose to participate will have a 2500-foot Stationary Exclusion Zone placed around their residence and other identified locations (school, workplace, etc.). The defendant may not enter these Stationary Exclusion Zones at any time. The victims of any pending case may also elect to fully participate, which means that a victim will also have a 1000-foot restricted zone placed around them, creating a Mobile Exclusion Zone. This Mobile Exclusion Zone travels with and around the protected person at all times if the victim is carrying a charged monitoring device.

In addition, there is a Buffer Zone placed around the existing Stationary/Mobile Exclusion Zones. The size of the buffer zone varies between 2500-4000 feet. When an offender breaches this Buffer Zone,

only the victim is notified; law enforcement is **NOT CONTACTED** by the AN/GPS monitoring company. This notification is intended to give the victim notice that the offender is near though has not (yet) violated the Exclusion Zone.

1. ALERTS: An alert is triggered if:

   a. The offender breaches one of the Exclusion Zones/restricted areas,

   b. The ankle bracelet is tampered with,

   c. The battery is not charged and is no longer operational,

   d. a GPS signal cannot be located, and the victim requests a well-being check.

2. TRIGGERED ALERTS: If an alert is triggered the GPS monitoring company will:

   a. Notify the protected person(s) and advise them to activate a pre-established safety plan.

   b. Call dispatch in the location where the non-compliance occurred by using the 10-digit non-emergency phone number associated with the local law enforcement agency and provide the following via a standardized script:

      1. The type of breach/non-compliance identified;

      2. The location and direction of travel of the offender and/or other pertinent information that will assist responding officers in locating the protected person(s);

      3. 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.

   c. Dispatchers should obtain a call back number for the alert**, as well**

as ask for a password or operator number, for further inquiries about the alert.

3. DISPATCHED OFFICERS RESPONSE: Officers dispatched to an Alert Notification/GPS should:

    a. Locate and ensure safety of the protected person(s). **This is of paramount importance and the goal of the operation;**

After the safety of the victim has been reasonably verified, law enforcement should follow their policies and procedures as it relates to investigation of an offense or crime, including where appropriate:

b. With due caution, attempt to locate the offender. The GPS monitoring company, at the time of the alert, can provide law enforcement with the offender's current position to assist in locating that individual;

c. Determine the reason(s) for the notification;

d. 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 and legally permissible or apply for an arrest warrant if other circumstances so dictate.

e. To aid in applying for an arrest warrant, law enforcement may request, through the Family Services Director or Family Services Operations Supervisor, the offender's location points during the Violation provided the incident was a subsequent Family Violence Issue between the AN/GPS offender and the existing protected party is on an AN/GPS Court order.

f. Document all information in an incident report.

4. CONTACTING THE GPS MONITORING COMPANY AND OBTAINING OFFENDER POINTS SUBSEQUENT TO THE ALERT: Local law Enforcement should utilize the information below when interfacing with the current contracted provider at the time of the incident and during follow-up if necessary:

AN/GPS Information Requests Protocol Information requests by law enforcement officers WHO DO NOT HAVE A VERBAL PASSWORD (at the time of the alert, while on route to the victim, at the victim location or any time thereafter).

a. The following information can be requested by law enforcement, after their identity has been verified by PSAP/911 dispatch, connected by PSAP/911 dispatch, OR provided contact information of the officer by PSAP/911 dispatch. SENTINEL will contact the law enforcement officer directly and may provide them with:

1. Alert Details (time, alert type, zone address)

2. The sequence of data points over a period of time

3. Location Point Details (time of location point, speed of point, etc.)

4. Current location or last known location of offender and/or victim device.

For any other requests for points or information, the releasing of points by the Family Services Director or the Family Services Operations Supervisor can only occur if the request involves allegations of potential order of protection violation(s) related to the individual on the AN/GPS program AND the victim associated with the case. All such inquiries should be sent to the Family Services Director or Family Services Operations Supervisor for discussion and response/further direction, **during business hours**.

Court Support Services Division, Family Services, Alert Notification/GPS
455 Winding Brook Dr.
Glastonbury, CT 06033
860-817-2197 (cell)
860-368-3825 (office)
Kevin.McCarthy@jud.ct.gov (after business hours)

SUBJECT: FAMILY VIOLENCE RESPONSE

G. DOMESTIC VIOLENCE PERSONAL PROPERTY RETRIEVAL: When a judge issues an order enjoining the offender from entering his/her family dwelling, the offender likely will be advised that he/she may contact police for a one-time escort to retrieve belongings. When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by a police officer to retrieve belongings the following guidelines shall be followed:

1. Initiation of the retrieval shall be at the discretion of this Department in a time period that is reasonable and practical;

2. The officer must verify the order;

3. The officer must check to ensure that the retrieval has not already been completed by another officer;

4. The officer must contact the protected party to arrange a time for the retrieval;

5. If the officer is unable to contact the protected party, or if children are present, the retrieval should be scheduled for a later date/time;

6. 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;

7. The retrieval should last no longer than 10 to 15 minutes, as the respondent is only retrieving essentials (clothes, toiletries, 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;

8. The officer must document that the retrieval has occurred in a CAD or incident supplement. If a call comes in as something other than a retrieval, such as a request for officer, etc., the incident must be changed to “Retrieval”;

9. The protected party must have prior notice by the department, and must

agree to the timing of the retrieval;

10. The respondent must not be allowed to use the retrieval time as a means of harassing the protected party;

11. 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. MULTIPLE ORDERS: In some situations, a victim may obtain a Restraining Order (RO) and a Protective Order (PO) to get all the court ordered protection available. A victim has a right to apply for an RO even if a PO has already been issued. There is nothing in the RO or PO statutes to prohibit a victim from having both orders. ***In situations where there are multiple orders, officers should:***

1. verify that the order and conditions apply to the involved victim and offender;

2. document the existence of and issuance date of all orders in the incident report and;

3. arrest the offender for any and all valid violations of such orders.

I. VERIFICATION/VIOLATION OF AN ORDER OF PROTECTION: Any law enforcement officer may enforce any Order of Protection (OOP) where they have a good faith basis to believe it is valid. The best way to verify an OOP is to check with the Connecticut Registry of Protective Orders – File 20.

Other methods may include:

1. Asking the victim if she/he has a copy of the order;

2. Contacting the issuing court;

3. Contacting the police agency with jurisdiction where the victim resides/works;

4. Contacting the police agency with jurisdiction where the offender resides.

A violation of the following OOP is a felony to include:

1. Protective Order (CGS 53a-223);
2. Standing Criminal Protective Order (CGS 53a-223a);
3. Restraining Order (includes ex-parte order) (CGS 53a-223b);
4. Foreign Order of Protection (CGS 53a-223b);
5. Civil Protective Order (CGS 53a-223c);
6. Conditions of Release 1st (CGS 53a-222)

A Violation of Conditions of Release 2nd (CGS 53a-222a) is a misdemeanor unless imposing restraint, threatening, harassing, assaulting, molesting, sexually assaulting, or attacking a person in violation of the conditions of release is a class D felony.

J. WEAPONS: Persons subject to an Order of Protection (OOP), Conditions of Release (COR), restraining or *ex parte* restraining order, or foreign order of protection with a no use or possession of a dangerous weapon, are prohibited from possessing a firearm or electronic control device.

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

1. 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:*

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

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

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

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

i. 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.

2. 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:

a. Sell or transfer to a federally-licensed firearms dealer, any pistols, revolvers, other firearms, and/or ammunition in his/her possession or;

b. Deliver or surrender such pistols, revolvers, other firearms, and ammunition to the Commissioner of Emergency Services and Public Protection or a local police department; [CGS 29-36k(a)(2)]

3. Persons 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]

4. 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].

5. The State Police Special Licensing and Firearms Unit (SLFU) shall track the subject’s compliance as it pertains to any order impacting the ability of a party to possess a firearm or ammunition. If a permit holder fails to comply with the statutory requirements of transferring of all weapons, firearms and/or ammunition within the required period of time (typically twenty-four (24) hours), a letter of non-compliance will be sent to the State Police Troop or police department where the subject resides.

6. Police Departments and State Police Troops shall then investigate the non- compliant ineligible subject, as soon as practicable.

7. If weapons or firearms are produced by any ineligible subject, he or she shall surrender any and all firearms, weapons and ammunition to the investigating law enforcement agency as required under law.

8. 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, consider having the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) indicating same.

9. If the ineligible subject fails to account for any and all possessed firearms or weapons, investigators should consider an arrest for Criminal Possession of a Firearm (53a-217 or 53a-217c).

10. Persons convicted of a misdemeanor violation of any law of this state that has been designated as a family violence crime pursuant to section 46b-38h for a crime committed on or after October 1, 2023, is ineligible to possess a firearm, electronic defense weapon and

ammunition.

11. Persons convicted in any court of a misdemeanor crime of domestic violence are prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(9), after having been convicted by a court of competent jurisdiction.

12. This agency will obtain a sworn written statement or statement of compliance from the subject indicating that they are aware they are ineligible to possess, and are currently not in possession of any firearms or ammunition.

13. This agency will seize the subject's permit or eligibility certificate and forward any and all documentation of compliance and any seized permits or certificates to CSP Special Licensing and Firearms Unit (SLFU).

K. STORAGE PROCEDURES FOR SEIZED WEAPONS: Whenever feasible, this agency will hold firearms and ammunition seized pursuant to an ex-parte restraining order until the order is either vacated or made a full restraining order after hearing. The State Police Gun Vault will receive firearms and ammunition from this agency for temporary surrender as a result of a protective order or restraining order or restraining order after hearing, for permanent destruction as requested by the owner of the firearms, or in extenuating circumstances upon coordination with this agency. The process to bring firearms and ammunition to the State Police Gun Vault is as follows:

1. Make an appointment by contacting the Vault at 203 630-5600;

2. Logging all firearms and ammunition on a fully completed Surrendered Firearms/Ammunition Log Sheet (DPS-293-C);

3. Prior to surrender at the Vault, firearms shall be checked to ensure they are unloaded and shall be run through NCIC not more than 24 hours prior to surrender to confirm they are not stolen;

4. The DPS-293-C and a copy of the NCIC query must be submitted to Vault personnel at the time of surrender;

5. Only firearms and ammunition will be accepted at the Vault. All accessories, magazines, cases, etc. shall be retained by the firearms owner or this agency;

6. Questions, concerns and requests for variance from these procedures shall be directed to CSP Vault personnel at 203 630-5600.

Upon expiration of an order making a party ineligible to possess firearms and/or ammunition, the subject may notify this agency or the Vault in possession of the firearms and/or ammunition of the expiration of the order, and provided such person is not otherwise ineligible from such possession, may request the return of their firearms and/or ammunition. This agency will review the request to confirm that such party is eligible to possess the firearms and/or ammunition, and not later than five business days after the request shall make said firearms and/or ammunition available.

L. 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).

Within five(5) 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.

If an offender <u>does not surrender</u> 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);
- Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS 29-36i);
- 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). 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]

M. SEIZURE OF FIREARMS AT THE LOCATION OF A FAMILY VIOLENCE CRIME (SAKEKEEPING 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 of the offender/suspect or that is in plain view.
[CGS 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 be promptly directed to the State's Attorney.

N. USE OR THREATENED USE OF WEAPON IN A FAMILY VIOLENCE CRIME: In responding to family violence incidents, officers of this Department shall investigate and arrest in accordance with relevant CGS 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).

O. CRIMINAL POSSESSION OF FIREARM, AMMUNITION, ELECTRONIC DEFENSE WEAPON, PISTOL OR REVOLVER:

Arrests for Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon (CGS 53a-217), Criminal Possession of a Pistol or Revolver (CGS 53a-217c)

1. Any offender who knows he/she 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 violation of section CGS 21a- 279 on or after October 1, 2015, or a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013, and during the preceding twenty years, or

4. has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section CGS 46b-120, or

5. has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section CGS 53a-13, or

6. has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was voluntarily admitted solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or

7. is subject to any other firearms prohibitions as defined in CGS 53-217 and 53a-217c; and;

8. is in possession of any firearm, ammunition, electronic defense weapon, pistol or revolver,

- 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, and/or electronic defense weapon should be seized as evidence of the crime.

P. SEIZURE OF FIREARMS FROM A PERSON POSING RISK TO SELF OR OTHERS (RISK WARRANT/RISK ORDER): Officers may consider utilizing the risk protection warrant/order as it relates to family violence when an individual poses a risk of imminent personal injury to themselves or another person, has recently engaged in specific behaviors or actions, and possesses firearms, deadly weapons, or ammunition. [CGS 29-38c(a)] as amended by PA 23-89.

1. Recent threats or acts of violence toward themselves or others, or;

2. Recent acts of cruelty to animals CGS 53-247b, and additional considerations include but not limited to:

   a. Reckless use, display, or brandishing of a firearm or other deadly weapon, or;

   b. History of the use, attempted use, or threatened use of physical force against others, or;

   c. Prior involuntary confinement in a hospital for psychiatric disabilities, or;

   d. Illegal use of controlled substances or abuse of alcohol.

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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 officers of this Department are described below.

If an officer of this Department believes that a person may have violated a provision of VAWA, he/she should discuss the facts of the investigation with a supervisor and/or State's Attorney for referral and review by an Assistant United States Attorney who will determine whether the situation warrants prosecution on federal charges. This Department should forward copies of the incident report and all supplemental reports to the United States Attorney's Office located at 157 Church St., New Haven, CT 06508, 203 821-3700.

1. SUMMARY OF APPLICABLE VAWA SECTIONS:

    a. Full Faith and Credit, Title 18 USC 2265 and 2266:

        1. Requires state, local and Indian tribes to enforce orders of protection issued by foreign states and Indian tribes as if the orders had been issued by the non-issuing enforcing state, local, or Indian tribe;

        2. 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.

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

4. The provision states that officers of this Department 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.

b. Disposal, Receipt or Possession of a Firearm, Title 18 USC 922(d) & (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.

c. 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 crossing) to kill, injure, harass, or intimidate a spouse, intimate partner or dating partner. This provision is violated when a person, after the

crossing, commits or attempts to commit a crime of violence against that spouse, intimate partner or dating partner.

d. 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, intimate partner, or dating partner to cross state lines, or leave or enter Indian Territory, and in the course of or as a result of such travel commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner.

e. Interstate Stalking, Title 18 USC 2261A:

1. Prohibits travel across a state line or within the special maritime and territorial jurisdiction of the United States with the intent to injure, harass, intimidate, or place under surveillance 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 immediate family; or a spouse, intimate partner of that person; or the pet, service animal, emotional support animal, or horse of that person.

f. 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 violates the portion of a PO that prohibits or provides protection against violence, threats, or harassment against, contact or communication with or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a PO in the jurisdiction in which the PO was issued and subsequently engages in such conduct.

2. This provision is violated when a person who causes another

person to travel in interstate or foreign commerce or to enter or leave Indian Territory by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued.

R. DOMESTIC VIOLENCE LIAISON TEAM: The Monroe Police Department is committed to the philosophy of best serving the needs of the victims of domestic violence via a coordinated effort with other public and private agencies dedicated to this same purpose. As a result of this commitment, this Department has formalized the implementation of a domestic violence liaison team which is assigned specific duties and responsibilities geared toward victim's assistance and interagency coordination. The team was created in order to establish a closer link between the various agencies concerned with the investigation, prosecution and disposition of domestic violence offenses with the ultimate goal of providing the best possible level of service to the victims of domestic violence. These various agencies include, but are not limited to, law enforcement, the courts, the victim's advocates, the Department of Children and Families (DCF), and Office of Victim Services.

1. Supervision: Officers who are assigned to the Domestic Violence Team will be under the supervision of the designated Division Commander.

2. Duties and Responsibilities: The duties and responsibilities of officers assigned to the Domestic Violence Liaison Team include:

    a. Follow-up meetings with the victims of domestic violence incidents that have occurred in this jurisdiction ensuring that they know their rights and are aware of all the services available to them;

    b. Maintenance of a separate records storage file which incorporates all domestic violence and domestic type incidents that have occurred in this jurisdiction;

c. Meeting with the domestic violence prosecutor and court appointed victim's advocates when appropriate;

d. Maintaining a liaison with the Department of Children and Families (DCF) and making referrals in appropriate circumstances;

e. Attending meetings and training in conjunction with other domestic violence victim advocacy groups;

f. Maintaining a liaison with the Office of Victim Services;

g. If on duty, and available, responding as the backup officer to all domestic violence and domestic calls for service.

3. Team Contact: A specific phone number extension has been set up for those persons wishing to speak with the liaison officers. This telephone number is 203 452-2830, extension 1200.

S. COMPLIANCE SURVEY: The Chief of Police shall designate a Command Officer of this Department to submit a report annually by July 1 of each year, to the Commissioner of Emergency Services and Public Protection that attests to this Departments compliance with the State of Connecticut Model Law Enforcement Policy on Police Response to Crimes of Family Violence. The survey form that has been established by the Commissioner of Emergency Services and Public Protection shall be used for this report and can be located at www.ct.gov/post under General Notices.

T. COMPARISON OF ORDERS OF PROTECTION:

(Please see the Reference Chart at the end of this Document)

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

HISTORICAL CHANGES TO POLICY

Oct 1, 2016 - All updates that became effective Oct 1, 2016 with the revised edition of the Statewide Model Policy of Police Response To Crimes Of Family Violence

Dec, 2017 - Page 2, added wording that states Statewide Model Policy Of Police Response To Crimes Of Family Violence Was "Revised In Dec, 2017"

Dec, 2018 - Several sections were amended to comply with the 2018 revised "Police Response To Crimes Of Family Violence" statewide model policy which referred to dual arrests and dominant aggressor.

Feb 2024 – Added the revision date of 02/02/2024 to page 1 and 2

May 2026 – Page 21, Reference to Deputy Chief updated to Deputy Chief/Captain

October 21, 2026 – Updated policy to conform to updates sent out by POST in late September. Updates include:

- Updates to ‘Definitions’ section,
- Adjustments to language throughout to conform to state policy,
- Addition of existing statutory language to clarify jurisdiction when receiving complaints related to violations of orders of protection or harassment/stalking made via electronic and telephonic means,
- Expands explanation of the Domestic Violence GPS Alert Notification Program, including the differences with other GPS monitoring programs used by the criminal justice system, steps for police officers to take when called for an alert, and how a police officer can contact the GPS monitoring company, and
- Addition of Chart – ***Comparison of Orders of Protection*** – at the end of this page. JMB

COMPARISON OF ORDERS OF PROTECTION(1)

Current to 2024

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

Protective Orders and Restraining Orders				
Type of Order	**How the Order is Made**	**How Long the Order Lasts**	**Provisions that May Be Included**	**Violations**
Protective Order (PO) (C.G.S. §46b-38c) (C.G.S. §54-1k)	➢ 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.	➢ 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	➢ 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.	➢ 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.

Restraining Order (RO) (C.G.S. §46b-15) Includes Ex-Parte order	➢ 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).	➢ 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.	➢ 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.	➢ Criminal Violation of a Restraining Order (C.G.S. §53a-223b) (D Felony) ➢ Unless violation includes, imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➢ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➢ Criminal Trespass 1st [CGS §53a-107] if in violation of RO. ➢ Victim also can file a Motion for Contempt in court where order was issued. ➢ Violation of financial conditions is NOT a criminal violation; explain option to file Motion for Contempt

Standing Criminal Protective Order (SCPO) (C.G.S. §53a-40e) *AKA: Standing Criminal Restraining Order (pre-Oct. 1, 2010)* *Permanent Protective/ Restraining Order*	➢ Issued by a criminal court judge at the time of sentencing. ➢ Can only be issued if offender is convicted of: ▪ 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.	➢ 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.	➢ 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.	➢ 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.
	CONTINUES ON NEXT PAGE…			

Foreign Orders of Protection (C.G.S. §46b-15a)	➢ Entitled to enforcement in Connecticut where: ▪ 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.	➢ Criminal Violation of a Foreign Order of Protection (C.G.S. §53a-223b) (D Felony) ➢ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➢ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➢ Criminal Trespass 1st [CGS §53a-107] if in violation of FOP. ➢ May be federal violation – contact US Attorney

Conditions of Release (COR) (C.G.S. § 53a-222, §53a-222a, §54-63c, §54-63d)	➢ A person charged with a family violence crime can be released with non-financial conditions of release[2] by: ▪ Law enforcement; ▪ Bail commissioner; or ▪ A judge. ➢ To verify: ▪ 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.	➢ 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.	*Law Enforcement:* ➢ Comply with specified restrictions on travel, association, or place of abode; ➢ Not engage in specified activities, including use/possession of dangerous instruments or possessing any deadly weapons, intoxicant, or controlled substance; ➢ Avoid all contact with alleged victim. *Bail Commissioner:* ➢ 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. *Judge:* ➢ Any of the above; plus ➢ Any non-financial condition the judge deems appropriate; ➢ Compliance with Protective Order.	➢ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. §53a-222). (D Felony) ➢ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony). ➢ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. §53a-222a). (A misdemeanor) ➢ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (D Felony) ***CONTINUED…***

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).

				➢ 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).
Civil Protection Order (CPO) (CGS §46b-16a)	➢ **Not for DV Cases** ➢ Issued by civil judge. ➢ Victims of stalking, sex assault, sexual abuse. ➢ Service by marshal. ➢ Hearing within 14 days.	➢ 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.	➢ 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.	➢ Criminal Violation of a Civil Protective Order (CGS §53a-223c) (D Felony)
OTHER ORDERS – NEXT PAGE				

Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
Family Court Orders	➢ 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.	➢ Family Court orders, unless they contain an expiration date, are valid until further order of the court.	➢ The victim should have a copy of the relevant order. ➢ Such orders may include, but are not limited to: ▪ 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.	➢ 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.