


STRATFORD POLICE DEPARTEMENT 	Type of Directive: Policy and Procedure	NEW: 03-06-2023
	Title: Arrests	No. 7.6
	Issuing Authority: Chief Joseph McNeil	Issued: 03-06-2023
	Reference: AS – 1.7.20 A.S.- 3.4.18	

PURPOSE

The purpose of this directive is to set forth the policies and procedures of the Stratford Police Department regarding making arrests and to ensure that the constitutional and statutory rights of those being arrested are properly observed at all times.

POLICY

It is the policy of the Stratford Police Department that officers shall make arrests only when they have probable cause to do so. Personnel shall not rely on information known to be materially false or incorrect. Race or ethnic characteristics shall not be the sole basis for making an arrest under any circumstances. Officers may use such information only if those characteristics are simply a part of the larger description of a person who has committed an offense.

An officer will not make an arrest with the purpose to show authority or to vent personal feelings. The attitude of the offender shall not be a factor in making an arrest. Verbal abuse of the officer by a subject is not a justification for an arrest. Officers shall provide all persons under arrest and in police custody all constitutional and statutory rights to which they are entitled at the time of their arrest and while in custody thereafter.

Absent exceptional circumstances which shall be documented, officers shall complete all arrest reports prior to the end of their tour of duty for that day. Any other exceptions must be approved by the on duty Shift Commander.

DEFINITIONS

Arrest: Arrest is the power and authority of a police officer to apprehend and deprive persons of their liberty, as provided by law, in order that such persons may be brought before the court to answer to criminal charges.

Arrest warrant: A warrant that authorizes a law enforcement officer to arrest a person.

Exigent circumstances: An unusual and time-sensitive circumstance that justifies conduct that might not be permissible or lawful in other circumstances.

Probable cause: The required level of knowledge to make a lawful arrest. This has been defined by courts as “reasonably trustworthy knowledge, based on articulable facts and circumstances, that would lead a reasonable person to believe that a crime has been, is being, or is about to be committed, and that the person to be arrested has committed, is committing, or is about to commit that crime.” Probable cause is determined by the totality of the circumstances and may be established by the collective knowledge of all law enforcement personnel involved.

Reasonable suspicion: Refers to an officer’s belief, based on specific and articulable facts, and the rational inferences drawn from those facts, that an individual has committed, is committing, or is about to commit a criminal offense. Reasonable suspicion may be based on direct observations or a combination of factors, including, but not limited to, the individual’s prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning, admissions or confessions, the nature of the area, and reliable hearsay.

GENERAL GUIDELINES AND CONSIDERATIONS

Police officers of the Town of Stratford derive the legal authority to effect arrests from C.G.S. 54-1f which authorizes officers to make an arrest without a warrant and 54-2a authorizing warrant arrests.

Sworn officers of the Stratford Police Department are further empowered under section 7-276 of the Connecticut General Statutes which states in part: “...The members of such police department shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables.

The authority to deprive a person of his/her liberty is one of the most important powers the law confers upon a police officer. Consistent with the values and Code of Ethics of the Stratford Police Department, personnel must treat all persons, including arrestees, with respect. Given the nature of police work, however, many arrests must be made without a warrant. Police officers must have a clear understanding of their powers, responsibilities and duties of arrest under the law.

PROCEDURES FOR MAKING ARRESTS

The amount of force shall be restricted to that which is reasonable, necessary, and proper for the safe custody of the arrestee, or for overcoming any resistance that may be offered. An arrestee has no right to resist arrest, lawful or unlawful, by a police officer in accordance with Connecticut General Statute § 53a-23.

Officers may make arrests for the following categories of offenses (**1.7.20a**):

- Felony: an offense for which a person may be sentenced to a term of imprisonment in excess of one year. (CGS § 53a-25)
- Misdemeanor: an offense for which a person may be sentenced to a term of imprisonment of not more than one year. (CGS § 53a-26)
- Violation: an offense for which the only sentence authorized is a fine. (CGS § 53a-27)

Felony Warrant Arrests (1.7.20b)

- The officer need not have the warrant in his/her possession at the time of arrest; however, upon request the officer should advise the defendant of the charges contained within the warrant as soon as practicable.
- To execute a felony arrest warrant, police officers may enter the dwelling of the person named in the warrant. An officer may enter a suspect's home to serve an arrest warrant without obtaining a search warrant, provided there is a reason to believe that the suspect is there.
- To serve an arrest warrant on private property, police officers must first knock and announce their authority and purpose, and wait a reasonable period to be admitted. Once a reasonable time has passed and the officers have not been voluntarily admitted, and the officers have reasonable cause to believe that the wanted person is on the premises, officers may use whatever force is reasonably necessary to gain entrance. The least amount of force that will accomplish an entrance should always be used and Officers should always seek the approval of a supervisory officer prior to resorting to forcible entry into a dwelling **(1.7.20e)**.
- Police officers must knock, announce their identity, and state their purpose unless the circumstances justify dispensing with one or all these requirements. If the police officers reasonably believe that announcing their presence and purpose will endanger themselves or others, or will result in the escape of the suspect or the destruction of evidence, they may dispense with the announcement of authority and purpose.
- Police officers may serve an arrest warrant at the dwelling of a party not named in the warrant. If the police seek to arrest a person in someone else's dwelling they may do so with the following limitations **(1.7.20b)**:
 1. If lawful consent to enter is granted by the occupant of the dwelling.
 2. If exigent circumstances are present which excuse the failure to obtain a search warrant.
 3. If consent is not obtained, and if exigent circumstances do not exist, police officers must obtain a search warrant before entering a third party's residence to execute an arrest warrant for a defendant who is inside.
- Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.

Warrantless Arrest in a Dwelling (1.7.20a)

The police officer should first determine whether law allows a warrantless entry and arrest. When officers seek to make an entry into and arrest in a dwelling the following standards apply.

- If the arrest pursuit was set in motion in public, the officer may make a hot pursuit warrantless entry into a private dwelling if the suspect runs into the dwelling.
- If a police officer seeks to arrest a person in that person's dwelling, they may do so if lawful consent to enter is granted. If consent is not granted but exigent circumstances are present which excuse the failure to obtain an arrest warrant. Absent lawful consent to enter or exigent circumstances, police officers must obtain an arrest warrant.

PRAWN Warrants (1.7.20b)

The Judicial Branch's Paperless Arrest Warrant Network (PRAWN) was implemented in 2002 after Public Act 00-209 authorized the entry of warrants for Failure to Appear in a central computer system.

PRAWN was created in response to 2000 legislation that authorized the court to enter warrants for criminal defendants who fail to appear for court in a central computer system. The system was implemented in all municipal police departments in August 2005 and all state police units in March 2007. It was reprogrammed to accommodate other types of court warrants and arrest orders.

PRAWN employs two components to facilitate the service of such warrants: the inquiry component, and the custodial processing component.

1. Inquiry: most criminal justice agencies in CT now have the ability to locate detailed warrant information and identify the agency holding the warrant, when applicable.
2. Custodial Processing: new warrants are distributed in a "paperless" medium, so any authorized law enforcement agency can serve a warrant by printing the required custody documents from the system.

The inquiry component enables criminal justice officials to ascertain whether a subject has an outstanding arrest warrant. When an arrest warrant is issued, specific data is entered in the Criminal Motor Vehicle System (CRMVS). This data is instantly transmitted to PRAWN and therefore, available to criminal justice agencies throughout the state, either through direct inquiries in PRAWN, or through more general inquiries in the state police Connecticut Online Law Enforcement Communications Teleprocessing System (COLLECT) and the Connecticut Information Sharing System (CISS).

Whenever any active warrant is located in PRAWN, any authorized law enforcement agency can use the system's custodial processing component to serve the warrant. PRAWN includes other types of judicial custody orders including warrants for Violation of Probation, and outstanding Judgment Mittimus for offenders who fail to satisfy their sentences.

Misdemeanor Summons Arrests

For any warrantless arrest, officers will screen and issue a misdemeanor summons to anyone he or she has probable cause to arrest for any misdemeanor violation. For the process and screening of eligibility to issue a misdemeanor summons in lieu of a custodial arrest, a shift supervisor will be notified.

Medical Attention/Treatment

In all instances where it is apparent that a subject is injured during an arrest, an officer on scene shall ask the subject if he/she was injured and if medical treatment is needed as soon as practical. If it is determined medical treatment is immediately needed, request via dispatch medical personnel to respond to the scene to provide medical attention/treatment to the subject. Officers should make an effort to assist the subject to whom force was used against until qualified medical personnel arrive on scene.

Search Incidental to Arrest (1.7.20a, b)

At the time of arrest, Officers shall conduct a search incidental to arrest. This search must be limited in scope to the area within the immediate control of the suspect and must be conducted contemporaneously with the arrest. Immediate control means that area from which the suspect might gain control of a weapon or destructible evidence.

- Legally closed areas may be searched when readily accessible to arrestees.
- The search must be limited to a search for weapons the subject could use to harm the officer or others and evidence of the crime for which the arrest is made, including weapons.
- If there is no physical evidence associated with the crime, the search incidental to arrest must be limited to weapons on the person only.
- For locked containers or closed areas that cannot be properly searched incident to an arrest, but which have potential evidentiary value, officers should secure the items and seek a search warrant.

Conversation with the Arrestee (1.7.20a, b)

At the time of arrest prior to advising the arrestee of their Miranda Warnings, officers should avoid unnecessary conversation and any orders or statements to the persons arrested should be clear and brief. Persons arrested shall be given the Miranda Warnings prior to interrogation.

- The warnings should be read from a card or other permanent record to ensure that none of the conditions contained within the warning are omitted. The card itself can later be introduced as evidence.
- Officers have tangible proof that they have not relied solely on memory. The suspect can also be permitted to read the card.
- Each officer giving the warning shall ask and verify that the person arrested has heard and understood the warnings so given.
- No questioning of arrested persons shall take place until these warnings have been given, and the suspect has confirmed that he or she has heard and understood them. However, if suspects freely choose to divulge information without questioning there is no violation of rights simply because they were not given these warnings. There is no requirement that an officer prevent suspects from continuing to talk and, any such statements shall be noted and incorporated as part of the officer's official report. However, if an officer wishes to gain further information through questioning, the warnings shall be given, and the suspect shall expressly waive his/her Miranda rights, before any questioning takes place.
- The arrestee shall be searched incidental to the arrest, properly handcuffed when appropriate and then promptly and safely transported to the police station. Upon arrival at the police station, the arrestee shall be booked and processed in accordance with departmental procedures.
- After departmental booking procedures are completed, the persons arrested (if not released/held on bond) shall be brought to court at the next available court date (**1.7.20d**). Arresting officers shall be responsible for completing an incident report documenting the circumstances of the arrest and all related arrest reports and forms associated with the arrest, in accordance with established

department policies and procedures, before the end of their shifts. Any exceptions shall be approved by a Shift Commander.

Handling of Juveniles

The arresting officer has an array of options. They include the following:

- Give a verbal warning and release the individual **(1.7.20c)**.
- Refer the juvenile to a diversionary program such as a juvenile review board **(1.7.20c)**.
- Conference with the juvenile, the parent(s), teachers and/or similar authority figures **(1.7.20c)**.
- Make a custodial arrest and release using a juvenile summons.
- Make a custodial arrest based on an arrest warrant.
- Make a custodial arrest and subsequent transfer to juvenile detention.

Non-custodial Juvenile Arrest - The procedures for a non-custodial arrest using a juvenile summons are complaint and promise to appear are as follows **(1.7.20a)**:

1. Notify the juvenile and his/her parent or legal guardian of the arrest.
2. Serve the juvenile summons on the child and his/her parent, guardian, or other person having control of the child and request that the parent, guardian, or other person execute the “written promise to appear” provision of the juvenile summons. This entails their promising to appear in court at the time and place the summons specifies.
3. If the parent, guardian, or other person refuses to sign the summons, the officer still releases the juvenile, but shall make a notation on the summons that the parent, guardian, or other person refused to sign.

Custodial Juvenile Arrest (1.7.20d).

- Juveniles who are brought to the police department must be separated from adult offenders at all times. If there are no adult offenders in the booking area, then the juvenile may be booked there. The juvenile must be removed and relocated before any adult offender is brought into the booking room.
- A juvenile of any age who is charged with a crime and taken into custody will be photographed and fingerprinted. When submitting juvenile fingerprints to the Automated Fingerprint Identification System, officers must use the juvenile designation. Officers must label all identification material “juvenile” and keep it separate from adult identification material.
- Only juveniles alleged to have committed a criminal act may be held in a secure area. Secure areas within the police department include cells and lockable rooms (regardless if they are locked). Juveniles must be monitored at all times while being detained and may be held in a secure area for a maximum of six hours.
- Whenever any person under the age of 18 is held in a secure area for any length of time, it must be logged in the juvenile detention logbook. Juvenile holding logs are located in a separate juvenile detention logbook. The holding log must be completed for each detained juvenile. The log forms will remain in the logbook for annual audits.

- After arresting a juvenile, an officer must notify the juvenile's parent or legal guardian regarding the whereabouts of the child. The nature of the charges and the police department's planned course of action.

Juvenile Interviews

- Juveniles have all the same Constitutional rights as adult suspects and must be advised of their Miranda rights. This applies to in-custody arrests or interrogations conducted out of the police department (e.g., the child's home, a hospital room).
- When an officer re-interviews a juvenile, the officer must advise the juvenile of his/her rights again.
- The juvenile's parent or guardian must be present during the interview and must also be advised of their Miranda rights with respect to the juvenile.

Extraterritorial Arrests (1.7.20f).

There are situations in which an officer may make "extraterritorial" arrests, that is, arrests outside the limits of Stratford.

- If there is a mutual aid agreement in effect between the officer's city or town and the city or town to which the officer has been assigned under the mutual aid agreement, the officer may exercise the same authority in such city or town as he/she exercises in his/her city or town.
- Except where exigent circumstances require immediate intervention by the officer (e.g. high risk to public health and safety), it is recommended that officers contact the police department having jurisdiction for assistance. When a police officer makes a warrantless arrest outside his jurisdiction, and not in fresh and continuous pursuit of a suspect, he or she is acting as a peace officer under Connecticut law and an arrest is Constitutional.
- An officer may "in fresh pursuit," pursue and arrest a suspect whom the officer has probable cause to believe has committed an offense in Connecticut and fled to another state.
- Officers may make felony arrests anywhere in the State of Connecticut with or without a warrant. Officers may make misdemeanor arrests anywhere in the State of Connecticut with an arrest warrant or warrantless arrests "in fresh pursuit" or following the commission of a crime that occurred in Stratford that is still actively under investigation on speedy information.

Arrests of Foreign Nationals

This applies to all officers and personnel involved in detaining, arresting, or otherwise engaging with foreign nationals in custody.

Law enforcement personnel must adhere to established protocols regarding consular notification and access, ensuring compliance with the Vienna Convention on Consular Relations (VCCR) and any applicable bilateral treaties.

If It Is Believed You Have a Foreign National in Custody

1. Officers should inquire about an individual's nationality upon arrest or detention.
2. If the individual claims foreign nationality, officers must verify through identification documents or other reasonable means.

Consular Notification Requirements

1. Mandatory Notification Countries

- For foreign nationals from countries requiring mandatory notification, officers must notify the consulate without delay, regardless of the individual's wishes.
- Notification must be documented, including the time, date, and method of communication.

2. Optional Notification

- For nationals from other countries, officers must inform the individual of their right to consular access.
- If requested, officers must promptly notify the consulate and allow communication.
- Keep in mind almost all countries require notification
- The numbers for a certain country's consulate can be looked up by dispatch

C. Access and Communication

1. Foreign nationals must be given reasonable access to communicate with their consulate.
2. Consular officials must be permitted to visit detained nationals in accordance with legal and security protocols.
3. Officers must facilitate consular assistance where applicable, ensuring compliance with procedural safeguards.