

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE



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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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 not 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 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 make arrest decisions, protect victims of domestic violence and promote officer safety. This General Order is written in such a manner that it follows the guidelines and procedures set forth in the Connecticut Statewide Model Policy for Police Response to Crimes of Family Violence that took effect October 1, 2016, and revised December 2017, and Connecticut General Statute 46b-38b.

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)).
- 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 there of an act of family violence to a family or household member. Family violence crime does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. (CGS 46b-38a(3)).

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- C. FAMILY or HOUSEHOLD MEMBER: Is 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 subsection 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-38(2)).
- 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 an advocate/counselor or a police officer and a victim that contains specific activities for a victim to be safe from an offender. Safety planning is an essential step to be completed with all adult survivors of domestic violence. It allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser. Age appropriate safety planning is also important for child survivors/witnesses of domestic violence.
- 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(d) police officers and family violence intervention 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

services directed by a thorough understanding of the neurological, biological, and social effects or trauma and violence on a person. The act adds that the services be delivered by a regional family violence organization that employs or provides referrals to counselors who:

1. Make available to family violence victims resources on trauma exposure and its impact on treatment;
 2. Engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by and vulnerable to trauma;
 3. Emphasize continuity of care and collaboration among organizations that provide services to children;
 4. Maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.
- I. **ADVOCACY:** Means collaboratively working with, and in support of, a survivor that keeps with a survivor-centered, empowerment-based, and self-determined approach. Both in person or phone advocacy and support are provided by the program's qualified staff and volunteers to domestic violence clients.
- J. **FAMILY VIOLENCE VICTIM ADVOCATE (FVVA):** Is a person (A) employed by and under the control of a direct 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 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 is employed by and under the control of a direct service supervisor of a domestic violence agency whose primary role is to provide services, support and advocacy services to sheltered and non-sheltered child, adolescent and teen victims of domestic violence and their families.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- 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) as amended by PA 18-5)
- M. 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.
- N. 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.
- O. 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.
 - 1. In a domestic violence case, the family violence intervention unit makes a recommendation to the prosecutor who then asks the judge to issue the order;
 - 2. The defendant or the attorney representing the defendant can argue against the order being issued. The victim or a family violence victim advocate may also address the court regarding whether the order should be issued;
 - 3. The judge will make the final decision after hearing from the parties involved. If the order is issued, the order will be made a condition of the defendants release;
 - 4. Pursuant to 53a-223, no person who is listed as a protected person in any order of protection may be liable for:

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- a. Soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the order or;
 - b. Conspiracy to violate such order.
- P. STANDING CRIMINAL PROTECTIVE ORDER (SCPO): Is an order issued by a criminal court judge at the time of an offenders 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.
- Q. 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.
- R. COMMON LAW ORDERS: Are orders issued by the Family Court where custody/divorce actions are pending. While these orders are not restraining or protection orders, they will often mirror traditional provisions of those orders of protection, such as: vacate orders and/or stay away orders, or orders around exclusive possession of the home. While not technically orders of protection, they are valid orders of the court and govern the conduct of the relevant parties.
- S. CIVIL PROTECTION ORDER: Means an 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;
2. Conspiracy to violate such order.

IV. POLICY

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- 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.

V. 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 callers 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. Previous complaint history;
 - e. Whether the victim has a current Order Of Protection (OOP);
 - f. Whether a court order of protection is in place;
 - g. Check the Connecticut Protective Order Registry and relay the information to the responding officer;
 - h. Whether children are involved;
 - i. Whether there is a presence of alcohol, drugs, weapons or mental illness;

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- 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 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 I, Weapons;
 - c. 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 weapon";
 - d. Verify the order and conditions apply to the involved victim and offender;
 - e. Determine whether children are present 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 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;

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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. When appropriate, consider utilizing the Emergency Mobile Psychiatric Services (EMPS) at the scene.
- f. If abuse and/or neglect of an elderly person or a person with intellectual disability is suspected complete the required reports and/or notifications;
 - g. Obtain a statement from the victim, and when appropriate, a signed medical release form with the victim's consent;
 - h. Carefully document the condition of the scene;
 - i. When possible, photograph the scene and any visible injuries to the victim;
 - j. 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) as amended by PA 18-5)
 - k. Give the victim(s) a "Victim of Crime Card" containing information about victim's rights and phone numbers for services (CGS 46b-38b);

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- i. 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.
- m. Before leaving the scene, identify the local domestic service provider, and help the victim to develop a short-term safety plan;
- n. 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 meet with or call a family violence advocate (FVVA) whose phone number is listed on the "Victim of Crime Card" under Domestic Violence Programs;
- o. Victim safety is enhanced when he/she has information in regard to the offender's incarceration status. The offender might 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 the periodic updates as to the offenders incarceration status. It is highly recommended that in domestic violence incidents or investigations of order of protection violations, that an officer not notify the alleged offender of a pending arrest or offer voluntary surrender;
- p. 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

recorded call be preserved;

- q. 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);
- r. Document any visible injuries within the report;
- s. Document any verbal statements made by victim(s), offender, or witnesses and distinguish the statements with quotes where appropriate;
- t. 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;
- u. 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, provided such persons are not in a dating relationship (CGS 46b-38a(j) as amended by PA 18-5);
- v. The officer will complete form mpd-35bbb, Domestic Violence Lethality Assessment, when he/she responds to a domestic situation that involves intimate partners and:
 - 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. Repeat for service;
 - 4. The field officer believes one should be completed.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 insure that the following is done in all domestic violence situations:
 - a. Conduct a probable cause review at the scene (when necessary) and/or at booking and review all arrests, dual arrest situations and self defense issues;
 - b. Ensure that all reports, including DPS-230-C, are properly completed, filed and forwarded;
 - c. Ensure that follow-up investigative responsibilities and victim safety and offender release considerations are coordinated to allow for shift changes and/or referral to specialized officers;
 - d. Expedite the arrest warrant execution 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 in violation of CGS 54-63c(a);
 - f. Conditions of release for family violence should be set by the shift supervisor or the bail commissioner. Either the duty supervisor or the bail commissioner should have a File 20 into NCIC, with restrictions;
 - 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, the shift supervisor, who has concern for the safety of the victim, may contact the State's Attorney within the jurisdiction, to override the bail commissioner's recommendation until the arraignment.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 upon speedy information 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)) as amended by PA 18-5);
- d. 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;
- 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,

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

suggest or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party;

- g. An officer should emphasize 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.
2. PROHIBITED CONSIDERATIONS: The decision whether to arrest should not be influenced by the following:
- a. The specific consent or request 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. 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;
 - d. The victims 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;
 - e. The number or frequency of calls for police assistance at a particular

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

location. It is well documented that the level of violence may increase over time and escalate significantly when a victim seeks assistance;

- f. 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;
- g. Assurances from the offender that the violence will cease. If probable cause for an arrest exists the officer must proceed accordingly.

3. MISDEMEANOR ARREST :

- a. 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 precinct and the officer is in immediate pursuit of the suspect (GCS 54-1f(c));
 - 2. An officer may arrest anywhere in Connecticut if his/her department holds a valid arrest warrant for the accused.

4. FELONY ARRESTS :

- a. 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.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

5. WARRANTLESS (ON-SITE) ARREST CONSIDERATIONS:

- a. Connecticut General Statutes section 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 approximate in time the information is to the crime;
 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.

6. 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;
 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 any deadly or dangerous weapon or instrument, an officer should expedite the application for an execution 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 and at the next day court presentation.
- 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.
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) as

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

amended by PA 18-5).

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) as amended by PA 18-5).

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) as amended by PA 18-5).

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 (2) any conditions or 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) as amended by PA 18-5).

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)).

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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) as amended by PA 18-5). 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: 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. 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 using or about to use deadly physical force or inflicting or about to inflict great bodily harm. 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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.

D. OFFICER INVOLVED DOMESTIC VIOLENCE CASES: Police Departments must recognize that law enforcement personnel, whether sworn or civilian, are not immune from committing 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 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 officers arrest, the officer shall be arrested;
- b. The highest ranking on-duty shift supervisor shall notify the officer's

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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;
 2. 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. An internal affairs investigation will be conducted during or upon the conclusion of the criminal investigation;
- e. If a court order (Protective or Restraining Order) 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;
 2. The officer shall be prohibited from carrying a firearm while the Order is in effect;
- f. In accordance with Connecticut General Statutes, the officer will surrender all firearms or electronic control devices to the Public Safety Commissioner (DESPP), or a federally licensed firearms dealer, as required by CGS 29-36k and provide the Chief of Police or his/her

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

designee with proof of this requirement;

- g. If the officer possesses a state pistol permit, he/she will surrender the permit to the State of Connecticut Department of Emergency Services and Public Protection, Division of State Police, within the guidelines of the court order. (CGS 29-36k);
 - h. If the officer possesses a 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;
 - i. 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;
 - j. Pursuant to CGS 46b-38b(d) 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;
 - k. Help the victim develop a short-term safety plan.
- E. ORDERS OF PROTECTION (OOP): Implicit in the issuance of an OOP is a court 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

mandate to arrest, officers shall make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an ex parte restraining order, standing order of protection, or a foreign order of protection. Once probable cause for arrest has been established and if the offender has left the 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. This agency, as soon as practical, shall prepare an arrest warrant at this juncture. The officers authority and mandates to arrest are set forth in CGS 46b-38b and CGS 54-1f.

1. TYPES OF ORDERS: Officers should be aware that the words “Orders of Protection” generally could refer to any type of order. 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:
 1. Restraining Order (RO); (includes Ex-Parte Order)
 2. Protective Order (PO);
 3. Civil Protective Order (includes Ex-Parte Order)
 4. Standing Criminal Protective Order (SCPO);
 5. Foreign Orders of Protection;
 6. Conditions of Release (COR) that include “no contact with the victim” and “not to use or possess dangerous weapons”;
 7. Family Court Orders.

Each type of order has specific characteristics, requirements for issuance and penalties for violation. These differences are outlined in the Appendix that is contained in Connecticut Statewide Model Policy for Police Response of Family Violence. This Appendix can 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.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 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;
 - c. Entering the family dwelling or the dwelling of the victim.
 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;
 - b. Not to go or remain within a specific distance of the victim.
- F. **ALERT NOTIFICATION/GPS MONITORING PROGRAM:** The State of Connecticut has initiated a GPS monitoring program to alert protected persons in high risk domestic violence cases that an offender is within a predetermined area using GPS technology. Offenders that have a history of violating court orders and/or who pose a risk of harm to a protected person(s) can be ordered by a judge to wear a GPS equipped ankle bracelet. Specific locations are identified as restricted areas and the offender is instructed to avoid a 2500 foot area surrounding those areas.
1. **ALERTS:** An alert is triggered if:
 - a. The offender breaches one of the restricted areas;
 - b. The ankle bracelet is tampered with;
 - c. The battery is not charged;

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- d. GPS signal cannot be located.
- 2. TRIGGERED ALERTS: If an alert is triggered the monitoring company will:
 - a. Notify the protected person(s) and advise them to activate a pre-established safety plan;
 - b. Notify the appropriate law enforcement jurisdiction and:
 - 1. Provide location and direction of travel of the offender and/or other pertinent information;
 - 2. Provide 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.
- 3. DISPATCHED OFFICERS RESPONSE: Officers dispatched to an Alert Notification/GPS should:
 - a. Locate and ensure safety of the protected person(s);
 - b. With due caution, attempt to locate the offender;
 - 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 the offender will be arrested on speedy information if located or apply for an arrest warrant if the offender cannot be located;
 - e. Document all information in an incident report.
- 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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, toiletry, medication, etc.). Other non-essential or valuable items used by the protected party and/or children (groceries, electronics, jewelry, furniture, etc.) are not to be removed from the dwelling;
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 respondent must not be allowed to use the retrieval time as a means of harassing the protected party;
10. If it is not practical or safe for the victim to accompany the officer and the offender during the proper retrieval, the officer shall review with the victim before the officer or the offender leave the premises, what essential items

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 document the existence of and issuance date of all orders in the report and arrest the offender for any and all valid violations of such orders.
- I. **VERIFICATION OF AN ORDER OF PROTECTION:** Protective Order, Standing Criminal Protective Order, Restraining Order, Foreign Order Of Protection, and Civil Protective Order violations are felonies pursuant to CGS 53a-223, 53a-223(a) and 53a-223(b). Any law enforcement officer may enforce any Order Of Protection (OOP) if there is a good faith basis to believe the order is valid. The best way to verify an OOP is to check with the Connecticut Registry of Protective Orders- File 20. Another method may include asking the victim if he/she has a copy of the order.
- 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. Immediately, but not later than twenty four (24) hours after the occurrence of any event that makes a person ineligible to possess a pistol, revolver or other firearm, ammunition, or electronic control device, such person must:
 - 1. Sell or transfer to a federally-licensed firearms dealer, any pistols or revolvers, any other firearm and ammunition or electronic control device in their possession or;
 - 2. Deliver or surrender such pistols or revolvers, any other firearm and ammunition or electronic control device to the Commissioner of Emergency Services and Public Protection or a local police department;
 - 3. Surrender such pistols or revolvers, any other firearm and ammunition or electronic control device to this agency for its forwarding to the Commissioner of Emergency Services and Public Protection.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

4. 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.
 5. 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.

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- 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 if the person holding the permit/certificate(s) becomes subject to an Order of Protection (OOP), Conditions of Release (COR), restraining or *ex parte* restraining order, or foreign order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person and such issuing authority is required to notify this Department of such revocation. Within five days of receiving written notice that a permit/certificate has been revoked, the holder of the permit/certificate must surrender the permit/certificate to the issuing authority. If an offender does not surrender the permit/certificate, he/she should be arrested for Failure to Surrender Permit to Carry a Pistol or Revolver, Failure to Surrender Pistol or Revolver Eligibility Certificate, Failure to Surrender Long Gun Eligibility Certificate, or Failure to Surrender Ammunition Certificate and the permit/certificate should be confiscated and immediately forwarded to the Commissioner of the Department of Emergency Services and Public Protection.
- M. MARSHAL SERVICE: 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:
1. Whenever possible, provide in hand service of the order to respondent;
 2. Notify the law enforcement agency for the town in which the service will take place;

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

3. Provide such agency a copy of the application, the applicants affidavit, the ex-parte order and the notice of hearing;
 4. Request a police officer from such agency be present when service is executed. When possible and consistent with all other provisions of the policy, the law enforcement agency **may consider sending an officer** to accompany the state Marshal during the service of the ex-parte order.
- N. SEIZURE OF FIREARMS AS EVIDENCE OF A FAMILY VIOLENCE CRIME: Whenever a person arrested for a Family Violence Crime possesses a firearm or a firearm is in plain view at the location the crime is alleged to have been committed, the officer may seize such firearm (CGS 46b-38b(a), Amended by PA 02-120). Any firearm seized under this section must be returned in its original condition within five 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.
- O. 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 that person should be arrested for all appropriate crimes and the weapon should be seized as evidence of the crime.
- P. CRIMINAL POSSESSION OF FIREARM, AMMUNITION, ELECTRONIC DEFENSE WEAPON, PISTOL OR REVOLVER: The offender should be arrested for Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver (CGS 53a-217c), and the weapon(s) or ammunition should be seized as evidence of the crime whenever a firearm, ammunition, or electronic weapon is found in the possession of offender who:
- a. Knows he/she is subject to a RO, PO, SCPO issued by the court, after notice and an opportunity to be heard, in a case involving the use, attempted use or threatened use of physical force against another person, or;

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

- b. Has been convicted of a felony.
- Q. SEIZURE OF FIREARMS FROM A PERSON POSING RISK TO SELF OR OTHERS: A judge may issue a search and seizure warrant to search for and take custody of any firearms when any two officers (or any prosecutor) complain on oath that there is probable cause to believe that:
- a. A person poses a risk of imminent personal injury to him/herself or to other individuals;
 - b. Such person possesses one or more firearms;
 - c. Such firearm or firearms are within or upon any place, thing or person.
(CGS 29-38c(a))

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

- R. FEDERAL DOMESTIC VIOLENCE LAWS: The possible or potential applicability of any of the federal family violence laws 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. 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, 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 for review by an Assistant United States Attorney who will determine whether the situation warrants prosecution on federal charges.

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 as if the orders had been

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

issued by the non-issuing enforcing state, local, or Indian tribe;

2. The provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to another person, including temporary and final protection orders issued by civil and criminal courts (other than support or child custody orders);
 3. 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. 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 922d & g:
1. Section 922d(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 922g(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 or child of such intimate partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;
 3. Section 922g(9) prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a family violence crime that included 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 2261a(1):
1. Prohibits the travel across state lines or the leaving or entering

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

of Indian territory with the intent (at the time of crossing) to injure, harass, or intimidate a spouse or intimate partner. This provision is violated when a person, after the crossing, then intentionally commits a violent crime or causes bodily injury.

d. Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud, Title 18 USC 2261a(2):

1. Violation of this provision occurs when the defendant by force, coercion, duress, or fraud causes a spouse or intimate partner to cross state lines, or leave or enter Indian territory, and in the course or as a result of that conduct, intentionally commits a crime of violence. Bodily injury to the victim is also required.

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 or harass another person, when in the course of or as a result of such travel, the person is placed in reasonable fear of the death of or serious bodily injury to that person or a member of that persons family.

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 (A) (1) violates the portion of a PO that protects against credible threats of violence, repeated harassment, or bodily injury or (2) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the PO was issued and (B) subsequently engages in such conduct .

- S. 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

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 insuring 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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

those persons wishing to speak with the liaison officers. This telephone number is 203 452-2830, extension 1200.

- T. 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.

- U. COMPARISON OF ORDERS OF PROTECTION:

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

GENERAL ORDER

G.O. 5-409

SUBJECT: FAMILY VIOLENCE RESPONSE

Response To Crimes Of Family Violence" statewide model policy which referred to dual arrests and dominant aggressor.