

Connecticut Police Academy

Investigating Domestic Violence Sec 607

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607 DOMESTIC VIOLENCE RESPONSE (20 hrs)

INSTRUCTIONAL GOAL:

This course is designed to assist the recruit in understanding and complying with model policy procedures and response intervention guidelines that conform to Connecticut's Domestic Violence Prevention Act. Emphasis is on understanding the dynamics of family and household violence, to promote victim safety and batterer accountability, while ensuring officer safety.

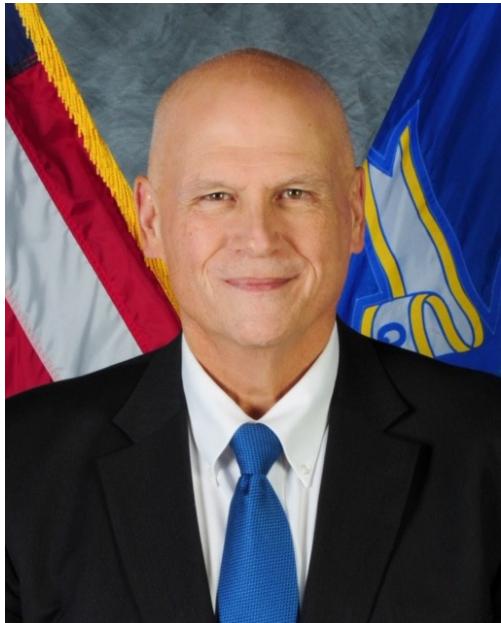
PERFORMANCE OBJECTIVES:

- Emotional Factors in Domestic Violence
 - Situational Factors
 - Emotional Factors
 - The Stockholm or "Hostage" Syndrome
- CT Family Violence Model Policy Purpose
 - FAMILY VIOLENCE DEFINITIONS
- ORDERS OF PROTECTION (OOP)
- RECOMMENDED RESPONSE PROCEDURES
 - Telecommunication Personnel
 - Responding Officer
 - Supervisor
- ARREST GUIDELINES
 - Prohibited Considerations
 - Jurisdiction
- Warrantless (On-Site) Arrest Considerations
 - Warrant Arrest Considerations
- DUAL COMPLAINTS, DOMINANT AGGRESSOR, AND SELF-DEFENSE
 - Dual Complaints and Dominant Aggressor
 - Self-Defense
- "OFFICER-INVOLVED" DOMESTIC VIOLENCE INCIDENTS
 - Sworn Personnel from an Outside Agency
 - Sworn Personnel from within the Law Enforcement Agency
- ORDERS OF PROTECTION (OOP)
 - Domestic Violence Alert Notification/GPS Program
 - Domestic Violence Personal Property Retrieval
 - Multiple Orders
 - Verification of an Order of Protection
- WEAPONS
 - Effect of a Court Order of Protection (OOP)
 - Permit to Carry
 - Seizure of Firearms at the location of a Family Violence Crime (Safekeeping Provision)
 - Use or Threatened Use of Weapon in a Family Violence Crime
 - Criminal Possession of a Firearm, Ammunition, Electronic Defense Weapon, Pistol or Revolver
 - Seizure of Firearms from Person Posing Risk to Self or Others (Risk Warrant)
- FEDERAL DOMESTIC VIOLENCE LAWS
 - Summary of Applicable VAWA Sections
- COMPARISON OF ORDERS OF PROTECTION
- Lethality Assessment Protocol

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EMOTIONAL FACTORS IN DOMESTIC VIOLENCE

The most frequently asked question concerning a battering situation is why does the victim stay? While there exists a variety of reasons, it is also very possible the victim may be locked into a cycle of violence. Below are some of the most common reasons why victims stay with the batterers.

1. The victim loves the batterer "the batterer is not always violent".
2. The victim fears the batterer, believing the batterer to be resolute to control and monitor the victim. Often threats are made against the victim, for example, the batterer will kill the victim if the beatings are reported to anyone. Police, in the victim's eyes, offer no long-term protection from the batterer.
3. Even if it is a neighbor who reports, the batterer may take it out on the victim. Often when the police come, the victim will not disclose the battering.
4. The victim may be economically dependent on the batterer and, not having a marketable job skill (has not been allowed to work as part of the isolation and control, or gets victim fired when victim gets employment), the victim has no realistic alternative to the batterer's financial support.
5. Socialization creates a powerful inertia in relationships, people feel they must stay in a relationship and are not ready to change as a means of problem solving.
6. Socialization and/or religious or cultural beliefs demand that the victim maintain the facade of a good marriage.
7. Often the batterer is the victim's only psychological support system, having systematically destroyed the victim's other friendships. Other people also feel uncomfortable around violence and withdraw from it.
8. Learned helplessness. The victim has been taught and believes to be powerless, and therefore views the situation from that perspective.
9. Often the victim stays for the sake of the children "needing a father," or the batterer may make threats of violence against the children if the victim tries to leave. The batterer frequently threatens to take the children away from the victim if the victim leaves, and the victim believes the batterer.
10. The victim believes law enforcement and judicial authorities in some jurisdictions may not take domestic violence seriously, hence the victim believes the batterer is often not punished or removed from the victim. Yet any attempts by the victim to consult authorities are seen as a threat by the batterer and he/she may increase the abuse physically, emotionally, and financially with threats and actual behaviors that are threatening and injurious to the victim and those the victim cares for.
11. Sometimes the batterer is otherwise well respected or mild mannered, so the victim's concerns are not taken seriously. Often the batterer is violent only with the victim and frequently concludes there is something wrong with the victim.
12. The victim may rationalize the beatings, believing that the victim must have "deserved" the "punishment" or that the batterer was just "too drunk" to know what the batterer was doing (beliefs the batterer propagates).
13. The victim may have no idea that services are available and may feel trapped.
14. The battering takes place during a relatively short period of time. Afterwards the batterer may be quite gentle, apologetic, loving, and may promise never to beat the victim again.
15. The victim may be convinced that this beating will be the last.
16. The victim may have lived in a home in which one parent beat the other and/or the children and sees violence as an inevitable part of the way in which couples relate.
17. Often a battered person, motivated by pity and compassion, is convinced that the victim alone can help the batterer with the "problem" (whether it is drinking, "pressure from the outside world", "victim's mistakes", etc). The victim doesn't want anything bad to happen to the batterer – may want them to get help but not be held responsible by any punitive action

(arrest, court orders, job loss). Victim may feel they have a deeper understanding of why the person is abusive

SITUATIONAL FACTORS

- Economic dependence
- Fear of greater physical danger to self and children if they attempt to leave
 - Statistically this fear is supported. Resource for why they stay- <https://ncadv.org/why-do-victims-stay>
- Fear of emotional damage to the children
- Fear of losing custody of the children
- Lack of alternative housing
- Lack of jobs skills
- Social isolation resulting in lack of support from family or friends and lack of information regarding alternatives
- Fear of involvement in court processes
- Cultural and religious constraints
- Fear of retaliation
- **HOMICIDE** <https://ncadv.org/statistics>
 - A study of intimate partner homicides found that 20% of victims were not the intimate partners themselves, but family members, friends, neighbors, persons who intervened, law enforcement responders, or bystanders.
 - 72% of all murder-suicides involve an intimate partner; 94% of the victims of these murder suicides are female.

EMOTIONAL FACTORS

- Shame that relationship is abusive, did not work, or seen culturally negative
- Fear of loneliness
- Insecurity over potential independence and lack of emotional support
- Guilt about failure of marriage
- Fear that partner is not able to survive alone
- Belief that partner will change
- Ambivalence and fear over making formidable life changes

THE STOCKHOLM OR "HOSTAGE" SYNDROME

Many victims feel locked into a "hostage" syndrome and thus continue to remain in an abusive relationship.

- The victim of domestic violence:
 - and the abuser are bidirectionally bonded
 - is intensely grateful for small kindnesses shown by the abuser
 - denies the abuser's violence against them, or rationalizes that violence
 - denies their own anger at the abuser
 - is hyper-vigilant to the abuser's needs and seeks to keep the abuser happy. To do this, the survivor tries to "get inside the abuser's head"
 - sees the world from the abuser's perspective, they may not have their own perspective
 - Sees outside authorities trying to win their release (for example, police, parents) as "bad guys" and the abuser as the "good guy". They see the abuser as the protector
 - finds it difficult to leave the abuser even after their release
 - fears the abuser will come back to get them even after the abuser is dead or in prison
 - shows symptoms of Post-Traumatic Stress Disorder (PTSD)

- has a recurrent emotional reaction to a terrifying, uncontrollable or life-threatening event
- develops symptoms such as nightmares, overwhelming feelings of fear and anxiety, difficulty concentrating, and increased stress in relationships after a person's sense of safety and security are violated

Symptoms and reactions are common and an important part of initial adjustment and later recovery. Some batterers are life endangering. It is possible to evaluate whether a batterer is likely to kill his partner, other family members, and/or others attempting intervention. The following are indicators often used in making an assessment of a batterer's potential to kill.

- **Fantasies of Homicide or Suicide** - The more the batterer has developed a fantasy about who, how, when and/or where to kill, the more dangerous the batterer may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a viable "solution" to the abuser's problem.
- **Weapons** - Where a batterer possesses weapons and has used them or has threatened to use them in the past assaults on the battered victim, the children or self, the batterer's access to those weapons increases the potential for lethal assault.
- **Obsessiveness about Partner or Family** - A batterer who is obsessive about their partner, who either idolizes and feels that they cannot live without their partner or believes they are entitled to their partner no matter what because they are their spouse, is more likely to be life-endangering.
- **Objectification** - Of victim by abuser results in the victim being seen as property with no intrinsic value on their own
- **Centrality of the Battered Woman** - If the loss of the battered victim represents or precipitates a total loss of hope for a positive future, a batterer may choose to kill.
- **Rage** -The most life endangering rage often erupts when a batterer believes the battered victim is leaving.
- **Threats of Homicide or Suicide** - The batterer who has threatened to kill himself/herself, his partner, the children, or her relatives must be considered extremely dangerous.
- **Depression** - Where a batterer has been acutely depressed and sees little hope for moving beyond the depression, may be a candidate for homicide and suicide.
- **Drugs or Alcohol Consumption** - Consumption of drugs or alcohol when in a state of despair or fury can elevate the risk of lethality.
- **Pet Abuse** - Those batterers who assault and mutilate pets are more likely to kill or maim family members. Pets are killed by abusers also as a warning to demonstrate how serious their threats are to their victims. CT has Orders of protection which include pets for this reason.
- **Access to the Battered Victim and/or Family Member** - If the batterer cannot find the victim, the batterer cannot kill the victim.
- **Technology** - An increase in availability of personal information increases the probability of victims being located by their abuser. i.e. Social media, tracking, sharing of location by 3rd party, access to children from the relationship

CT FAMILY VIOLENCE MODEL POLICY PURPOSE

It is the policy of this agency that family violence be treated as serious, violent or potentially violent criminal behavior and, consistent with this policy, that officers fully comply with the Family Violence Prevention and Response Act to:

- Make arrest decisions in such cases in accordance with traditional probable cause standards and existing state statutes;
- Protect victims of domestic violence and provide them with relevant information regarding the availability of community services and support (“Duty to Protect”); and
- Serve as a minimum standard for all law enforcement agencies to follow with the opportunity to add enhancements which serve to reflect the needs of your particular community; and
- Promote officer safety when dealing with family violence situations.

FAMILY VIOLENCE DEFINITIONS

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

“Family violence crime” means a crime as defined in [§53a-24](#), other than a delinquent act as defined in [§46b-120](#), which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse. CGS §[46b-38a\(3\)](#) (2013).

“Family or household member”, as defined in CGS §[46b-38a\(2\)](#) means any of the following persons, regardless of the age of such person: (A) Spouses or former spouses; (B) parents or their children; (C) persons related by blood or marriage; (D) persons other than those persons described in subparagraph (C) of this subdivision presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.” 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.

“Possess” per CGS §[53a-3\(2\)](#), means to have physical possession or otherwise to exercise dominion or control over tangible property.

“Safety Plan.” A plan developed between a certified domestic violence advocate and a victim/survivor that offers various options for safety which may include law enforcement.

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

“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.

“Family Violence Victim Advocate - FVVA” 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.

“Child and Family Advocate” a person who is 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.

“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](#)]

ORDERS OF PROTECTION (OOP)

“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 duty supervisor shall ensure that the conditions and restrictions are entered into NCIC as a File 20 with restrictions.

“Restraining Order.” A restraining order is 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.

“Protective Order.” A protective order is 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.

“Standing Criminal Protective Order” means a criminal order of protection issued by a criminal court judge at the time of an offenders sentencing. The 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.

“Foreign Order of Protection” means 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.

“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 or
- 2) Conspiracy to violate such order.

RECOMMENDED RESPONSE PROCEDURES

TELECOMMUNICATION PERSONNEL

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

- the **caller's** name and relationship to the offender;
- the **victim's** name and the offender's name, and their relationship to each other;
- the nature of the abuse, or suspected or sustained injuries;
- whether weapons were implied, involved and/or present;
- previous available complaint history;
- whether the victim has a current OOP;
- whether a court order of protection is in place;
 - Check the Connecticut Protective Order Registry – File 20 and relay to the responding officer;
- whether children are involved;
- whether there is a presence of alcohol, drugs, or mental illness; and
- Telecommunication personnel are reminded that family violence victims are provided with the incident case number and contact information for the investigating agency, in order to allow 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.

RESPONDING OFFICER

- 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.
- Determine the presence and status of any weapons and refer to the model policy section on firearms.
- 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.
 - Assist the victim to obtain medical treatment if such treatment is required.
 - Notify the victim of the right to file an affidavit for a warrant for arrest.
 - 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.
 - Provide assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable.
 - 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.
- 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 dangerous instrument or possessing any deadly weapons.”
- Verify that the order and conditions apply to the involved victim and offender.

- Determine whether children are present, that they are safe, and unhurt and complete the following if necessary:
 - If child abuse and/or neglect is suspected, report to DCF by phone [CGS [§17a-101b](#)] and complete form DCF-136. [CGS [§17a-101c](#)]
 - Interview children as witnesses according to circumstances and department policy
 - Consider a trauma informed (forensic interview) when necessary.
 - 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 response at the scene of a family violence incident and develop strategies that measure impact.
 - When Appropriate, consider utilizing the Emergency Mobile Psychiatric Services (EMPS) at the scene.
 - Make arrangements for the child's care if dual custodial arrests are made.
- Do not use children to serve as an interpreter for the adult.
- If abuse and/or neglect of an elderly person or a person with an intellectual disability is suspected complete the required reports and/or notifications.
- Obtain a statement from the victim, and when appropriate, a signed medical release form with the victim's consent.
- Carefully document the condition of the scene.
- When possible, photograph the scene and any visible injuries on the victim.
- 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](#)]
- Give the victim(s) a "Victim of Crime Card", from the Office of Victim Services containing information about victims' 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.)
- 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 an 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 at http://www.ct.gov/post/lib/post/general_notices/general_notice_10-1.pdf.
- Before leaving the scene, identify the local domestic violence service provider, and help the victim to develop a short-term safety plan.
- Law Enforcement agencies that voluntarily participate in the Lethality Assessment Program should consider, before leaving the scene of an intimate partner incident conduct the Lethality Assessment Program Screen and follow the appropriate protocol according to the results of the screen.
 - Connecticut's Law Enforcement across the state voluntarily engage in this two-prong danger assessment tool to better understand and serve individuals experiencing violence within their intimate relationships. Individuals who are identified as "High Danger" are connected directly to an advocate at the scene of the incident by the officer. Resources to support advocates and officers are available on the www.CTLAP.ORG website.
- Explain to the victim the process for arrest, arraignment, and bond, including the following:
 - The offender will be arraigned on the next available court date.

- 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/year for support, resources and safety planning, with a connection to a local domestic violence organization.
- On the day of 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.)
- Victim safety is enhanced when she/he has information in regard to the offender's incarceration status. The offender might not be held overnight and may be released shortly after the arrest. A representative of the arresting agency shall provide the victim(s) with the incident case number and appropriate contact information for the investigating agency. Victim(s) are to be encouraged to contact the investigating agency, at the number provided, for periodic updates as to the offender's incarceration status, as they deem appropriate.
- 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. Voluntary surrender should only be offered where there are unusual circumstances related to officer or victim safety, etc. that would warrant the voluntary surrender.
- When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, she/he 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.
- Complete, file and forward to the appropriate agencies a Family Violence Offense Report, DPS-230-C, to include the Crimes Analysis Unit at the Department of Emergency Services and Public Protection (DESPP) (Electronic versions of the DPS-230-C must be printed and sent to the Crimes Analysis Unit).
- Document any visible injuries within the report.
- Document any verbal statements made by the victim(s), offender, or witnesses and distinguish the statements with quotes where appropriate.
- 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.
- 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-38b (j) as amended by [PA 19-189](#)]

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

SUPERVISOR

- It is recommended that the supervisor 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.
- 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.)
- Ensure that follow-up investigative responsibilities, victim safety, and offender release considerations are coordinated to allow for shift changes and/or referral to specialized units.
- Upon approval from the court, expedite the arrest warrant execution.
- Be aware that pursuant to CGS §54-63c(a), any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear (PTA).
- Conditions of release for family violence should be set by the duty supervisor [CGS §54-63c(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.
 - 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.
- 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 Commissioners recommendation until the arraignment. [CGS §54-63d(d)].
- 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.

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(e)(4)]

ARREST GUIDELINES

General Considerations

- 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\(a\)](#)]
- The 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.
- 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](#)].
- 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.
- 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\(b\)](#)]
- 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.
- 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 her/his children.
 - 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]
 - 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.

PROHIBITED CONSIDERATIONS

- Pursuant to CGS [§46b-38b\(a\)](#) the decision whether to arrest an offender ***shall not*** be influenced by the following:
 - *The specific consent of the victim*
 - *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.

- *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:
 - *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 to leave a violent relationship.
 - *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, for example, when a victim may be in more danger or when an abusive partner may become more violent.
 - *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.
 - *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.
 - *Assurances from the offender that the violence will cease.* -- If probable cause for an arrest exists the officer must proceed accordingly.
- Pursuant to PA [19-43](#), law enforcement agencies shall redact the name, address or other identifying information of any victim of sexual assault, voyeurism, injury or risk of injury, or impairing of morals, or family violence, or witness thereof, as defined in section 46b-38a, or of an attempt thereof, from any arrest record released to the public.

JURISDICTION

MISDEMEANOR ARRESTS

- 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:
 - An officer may arrest outside of 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\(c\)](#)]
 - An officer may arrest anywhere within Connecticut if his/her department holds a valid arrest warrant for the accused.

FELONY ARRESTS

- An officer may arrest anywhere within Connecticut if s/he has probable cause to believe the suspect has committed a felony.
- "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 a concern for safety and/or flight.
- 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.

WARRANTLESS (ON-SITE) ARREST CONSIDERATIONS

- 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.
- "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:
 - How proximate in time the information is to the crime; and
 - 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).

WARRANT ARREST CONSIDERATIONS

- In family violence cases, an arrest warrant should be sought only in limited circumstance, such as:
 - When further investigation is needed to establish probable cause (i.e. self-defense, etc.);
 - When the offender cannot be located pursuant to speedy information;
 - For a misdemeanor arrest when there is no speedy information; and
 - For a felony arrest when there is no speedy information, unless there is a 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.
- Once an officer has determined that probable cause exists, an arrest warrant should be sought as soon as possible.
- 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.
- 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.

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."

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 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; [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) 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-38b(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) 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.

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) as amended by [PA 18-5](#)].

Determining whether or not a person is criminally liable when allegedly acting in self-defense can often be 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 an 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.

C.G.S [§53a-19](#). Use of physical force in defense of person:

This statute defines self-defense and the defense of others. In pertinent part, it provides that *“a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he 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.”*

There are, of course, 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 (1) . . . he provokes the use of physical force by such other person, or (2) is the initial aggressor, except that his 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 . . .”* 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 (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling . . .”*

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

- 2) 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:
 - 1) The situation from the perspective of the person acting in self-defense; that is, what did the person actually believe, and - because the statute requires that the defendant's belief be reasonable, and not irrational or unreasonable under the circumstances, and
 - 2) Whether a reasonable person in the defendant's circumstances could have reached that belief.
- The analysis can be broken down into 4 steps or elements:
 - 1) That the actor actually believed that someone else was using or about to use physical force against her/him or a third person;
 - 2) That such belief was reasonable because a reasonable person in the actor's circumstances would have shared that belief;
 - 3) That the actor actually believed that the degree of force that she/he used was necessary to repel the attack;
 - 4) 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.

“OFFICER-INVOLVED” DOMESTIC VIOLENCE INCIDENTS

Police departments must recognize that the 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 or her occupation, from the consequences of his or 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.

SWORN PERSONNEL FROM AN OUTSIDE AGENCY

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

SWORN PERSONNEL FROM WITHIN THE LAW ENFORCEMENT AGENCY

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

- The highest-ranking on-duty Shift Supervisor shall notify or cause to be notified the following personnel:
 - Chief of Police,
 - Command Duty Officer,
 - The Officer's Division Commander, if different from the Command Duty Officer, and
 - Internal Affairs, when such division exists.
- The family violence incident will be criminally investigated by an officer at least one (1) rank higher than the officer involved in the incident.
 - 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).
- An Internal Affairs investigation will be conducted during or upon the conclusion of the criminal investigation if such a division exists within the law enforcement agency.
- If a court order (i.e. restraining order (includes ex-parte order), protective order, or a foreign order of protection) is issued against the officer, the following will be done:
 - The officer shall surrender all law enforcement agency issued firearms to the Chief of Police or his/her designee,
 - The officer shall be prohibited from carrying a firearm while the order of protection is in force and effect.
- Further, in accordance with Connecticut General Statutes, the officer shall:
 - 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 the proof of this requirement.
- If the officer possesses a state 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 shall surrender the permit/certificate(s) to the State of Connecticut Department of Emergency Services and Public Protection, Division of State Police. (CGS §29-36k).
- If the officer possesses an issued pistol permit from his/her agency, he/she shall surrender the permit to the Chief of Police within the guidelines of the court order.
- The Chief of Police or his/her designee may:
 - Suspend the officer without pay.
 - Assign the officer to administrative duties.

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, identified 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 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 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. The investigating Department, 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 [§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.
- 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. Officers should be aware that each state has its own type(s) and titles of order(s) 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:
 - Restraining Order (RO) (includes Ex-Parte Order)
 - Protective Order (PO)
 - Civil Protective Order (includes Ex-Parte Order)
 - Standing Criminal Protective Order (SCPO)
 - Foreign Orders of Protection
 - Conditions of Release (COR) (that include “no contact with the victim” and “not to use or possess dangerous instruments or possessing any deadly weapons.”)
 - Family Court Orders
- 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. Officers should fully understand all aspects of each type of order.
- It is important for police officers to understand and always remember 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 orders. (See CGS [§53a-223](#), [§53a-223a](#) and [§53a-223b](#), regarding immunity for persons protected by an order of protection.)
- **Standard conditions** in an OOP or a SCPO (CGS [§54-1k](#)) may include provisions enjoining the offender from:
 - Imposing any restraint upon the person or liberty of the victim;
 - Threatening, harassing, assaulting, molesting or sexually assaulting the victim; and
 - 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](#)]
 - **Special conditions** that a judge may order in an OOP include, but are not limited to:
 - No direct or indirect contact with the victim; and
 - Not to go or remain within a specific distance of the victim.

DOMESTIC VIOLENCE ALERT NOTIFICATION/GPS PROGRAM

The State of Connecticut Judicial Branch has a GPS monitoring program(*Alert Notification/GPS*) in Bridgeport, Danielson and Hartford courts to first alert and secure the safety of the victim and then assist law enforcement with attempting to locate and apprehend the offender. **THIS ALERT NOTIFICATION SYSTEM IS DIFFERENT FROM THE PAROLE AND PROBATION ELECTRONIC MONITORING OF OFFENDERS IN THE COMMUNITY.**

- 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 (i.e. the protected persons home, workplace, school, etc.) and the offender is instructed to avoid a 2500 foot area surrounding those areas.
- Alerts:
 - An alert is triggered if: 1) The offender breaches one of the restricted areas, 2) the ankle bracelet is tampered with, 3) the battery is not charged or, 4) a GPS signal cannot be located
 - If an alert is triggered, the GPS monitoring company will:
 - Notify the protected person(s) and advise them to activate a pre-established safety plan.
 - Notify the appropriate law enforcement jurisdiction and:
 - Provide the location and direction of travel of the offender and/or other pertinent information.
 - Provide information that will assist responding officers in locating the protected person.
 - 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.
- Officers dispatched to an Alert Notification/GPS should:
 - Locate and ensure the safety of the protected person(s).
 - With due caution - attempt to locate the offender.
 - Determine the reason(s) for the notification.
 - 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 or apply for an arrest warrant if the offender cannot be located.
 - Document all information in an incident report.

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 she/he may contact the police for a one-time escort to retrieve personal belongings.
- When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by an officer, to retrieve belongings:
 - Initiation of the retrieval shall be at the discretion of the agency in a time period that is reasonable and practical.
 - The officer must verify the order.
 - The officer must check to ensure that the retrieval has not already been completed by another officer. The officer must contact the protected party to arrange a time for the retrieval.
 - If the officer is unable to make contact with the protected party, or if children are present, the retrieval should be scheduled for a later date/time.
 - 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.
 - 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.
 - 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 request for officer, etc., the incident must be changed to “Retrieval.”
 - The protected party must have prior notice by the department, and must agree to the timing of the retrieval.
 - The respondent must not be allowed to use this as a means of harassing the protected party.
 - 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.

MULTIPLE ORDERS

- In some situations, a victim may obtain a RO and a PO to get all the court ordered protection available. A victim has a right to apply for a 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 of protection the officer should:
 - Verify that the order and conditions apply to the involved victim and offender and;
 - Document the existence of and issuance date of all orders in their incident report and;
 - Arrest the offender for any and all valid violations of such orders.

VERIFICATION OF AN ORDER OF PROTECTION

- A violation of any OOP is a felony to include:
 - Protective Order (CGS §[53a-223](#)).
 - Standing Criminal Protective Order (CGS §[53a-223a](#)).

- Restraining Order (includes ex-parte order) (CGS §[53a-223b](#))
 - Foreign Order of Protection (CGS §[53a-223b](#)).
 - Civil Protective Order (CGS §[53a-223c](#)).
- A violation of Conditions of Release can be either a felony (CGS §[53a-222](#)) or misdemeanor (CGS §[53a-222a](#)) based on the original underlying charges.
- Any law enforcement officer may enforce any 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;
 - Asking the victim if she/he has a copy of the order.
 - Contacting the issuing court.
 - Contacting the police agency with jurisdiction where the victim resides/works.
 - Contacting the police agency with jurisdiction where the offender resides.

WEAPONS

EFFECT OF A COURT ORDER OF PROTECTION (OOP)

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

- When the state marshal service receives an ex-parte order issued by the court that indicates that the respondent holds a;
 - Permit to carry a pistol or revolver;
 - An eligibility certificate for a pistol or revolver;
 - A long gun eligibility certificate;
 - An ammunition eligibility certificate or;
 - Possesses one or more firearms or ammunition.
- The marshal service shall;
 - Whenever possible, provide in hand service of the order to the respondent.
 - Notify the law enforcement agency for the town in which the service will take place.
 - Provide such agency a copy of the application, the applicant's affidavit, the ex-parte order, and the notice of hearing.
 - Request a police officer from such agency be present when service is executed.
 - When possible and consistent with all other provisions of this policy, the law enforcement agency may consider sending an officer to accompany the state marshal during the service of the ex-parte order.
- Immediately, but not later than 24 hours after notice has been provided to a person subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection (CGS [§29-36k\(a\)](#)) such person must:
 - Transfer/sell to a federally-licensed firearms dealer, any pistols, revolvers, other firearms and/or ammunition in his/her possession. (CGS [§29-36k\(a\)\(1\)](#), or
 - Deliver or surrender such pistols, revolvers, other firearms and ammunition to the Commissioner of Emergency Services and Public Protection or any local police department. [CGS [§29-36k\(a\)\(2\)](#)]

- Person's subject to a restraining order (includes ex-parte order), protective order, or a foreign order of protection are prohibited from possessing a pistol, revolver, other firearm, ammunition or an electronic defense weapon. [CGS [§53a-217](#)]
- Persons subject to a Condition of Release "no use or possession of a dangerous weapon" are prohibited from possessing or using any dangerous instruments or possessing any deadly weapons. [CGS [§53a-222](#) or [§53a-222a](#)].
- Refer to *section XI, Federal Domestic Violence Laws*, section regarding federal law, which prohibits the possession of firearms or ammunition by any person, including a police officer, who has been convicted in any court of a family violence crime (a family violence crime that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon), including a misdemeanor family violence crime.
- Upon the surrender of any firearms or ammunition or if the offender indicates that he/she is not in possession of, nor does he/she have access to, any firearms or ammunition and there is no other evidence to suggest the contrary, consider having the offender complete the Firearm and Ammunition Compliance Statement form (DPS-332C) indicating same.

PERMIT TO CARRY

- The issuing authority of a state permit or temporary state permit to carry a pistol or revolver, pistol or revolver eligibility certificate, long gun eligibility certificate, or an ammunition certificate must revoke the permit and/or certificate(s) if the person holding the permit/certificate(s) becomes subject to an order of protection in a case that involves the use, attempted use, or threatened use of physical force against another person. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- Within five days of receiving written notice that a permit/certificate has been revoked, the holder of the permit/certificate must surrender the permit/certificate to the issuing authority. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- If an offender does not surrender the permit/certificate, he/she should be arrested for any of the following that apply;
 - Failure to Surrender Permit to Carry a Pistol or Revolver (CGS [§29-32](#)); or
 - Failure to Surrender Pistol or Revolver Eligibility Certificate (CGS [§29-36i](#)), or
 - Failure to Surrender Long Gun Eligibility Certificate (CGS [§29-37s](#)); or
 - Failure to Surrender Ammunition Certificate (CGS [§29-38p](#)); and
 - The permit/certificate should be confiscated and immediately forwarded to the Commissioner of the Department of Emergency Services and Public Protection. [CGS [§29-32](#), [§29-36](#), [§29-37](#), [§29-38](#)]
- Any local issuing authority that revokes a permit must notify the Commissioner of the Department of Emergency Services and Public Protection of the revocation, and any revocation of a state permit by the Commissioner of the Department of Emergency Services and Public Protection requires notification of the local issuing authority. [CGS [§29-32](#)]

SEIZURE OF FIREARMS AT THE LOCATION OF A FAMILY VIOLENCE CRIME (SAFEKEEPING PROVISION)

Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm, ammunition, or electronic defense weapon at the location where the crime is alleged to have been committed that is in the possession of the offender/suspect or that is in plain view. [CGS [§46b-38b\(a\)](#)]. Refer to CGS [§53a-3](#) – *Definition of Possession*. Any firearm seized under this section must be returned in its original condition within seven (7) days to its rightful owner unless such person is

ineligible to possess the firearm or unless otherwise ordered by the court. Any questions regarding the return of weapons seized under this section should promptly be directed to the state's attorney.

USE OR THREATENED USE OF WEAPON IN A FAMILY VIOLENCE CRIME

In responding to family violence incidents, officers shall investigate and arrest in accordance with relevant Connecticut Statute §[46b-38b](#). If an officer has probable cause to believe that a person used or threatened to use a weapon in the commission of any family violence crime(s) that person should be arrested for all appropriate crimes and the weapon should be seized as evidence of the crime(s).

CRIMINAL POSSESSION OF A FIREARM, AMMUNITION, ELECTRONIC DEFENSE WEAPON, PISTOL OR REVOLVER

Arrests for criminal possession...

- 1) Any offender that knows that she/he is subject to a Restraining Order, (includes ex-parte order), Protective Order, Standing Criminal Protective Order or Foreign Order of Protection issued by the court, in a case involving the use, attempted use or threatened use of physical force against another person, or
- 2) has been convicted of a felony; or
- 3) has been convicted of a Misdemeanor committed on or after October 1, 1994 (pistol and revolvers); on or after October 1, 2013 (other firearms, ammunition, electronic defense weapons) as identified in CGS §[53a-217](#) and §[53a-217c](#); or
- 4) is subject to any other firearms prohibitions as defined in CGS §[53-217](#) and §[53a-217c](#); and
- 5) is in possession of any firearm, ammunition, electronic defense weapon, pistol or revolver,
 - should be arrested for Criminal Possession of a Firearm or Electronic Defense Weapon (CGS §[53a-217](#)) if found in possession of any firearm, ammunition, electronic defense weapon; or
 - Criminal Possession of a Pistol or Revolver (CGS §[53a-217c](#)) if found in possession of any pistol or revolver; and
 - The weapon(s) and/or ammunition should be seized as evidence of the crime.

SEIZURE OF FIREARMS FROM PERSON POSING RISK TO SELF OR OTHERS (RISK WARRANT)

A judge may issue a search and seizure warrant to search for and take custody of any firearms when any two officers (or any prosecutor) complain on oath that there is probable cause to believe that (1) a person poses a risk of imminent personal injury to him/herself or to other individuals, and (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person. [CGS §[29-38c\(a\)](#)]

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

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 an officer's responsibility to comply with Connecticut's family violence laws and mandatory arrest provisions, as Connecticut and federal law can have concurrent jurisdiction.

The Federal Violence Against Women Act (VAWA) makes criminal certain actions in family violence situations. Several provisions of that Act which may arise during the investigation of family violence situations by Connecticut police officers are described below.

If an officer 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 States Attorney for referral and review by an Assistant United States Attorney who will determine whether the situation warrants prosecution on federal charges.

The offices of the United States Attorney for the District of Connecticut are located at:

Office of the United States Attorney
157 Church Street New Haven, Connecticut
06508 (203) 821-3700

SUMMARY OF APPLICABLE VAWA SECTIONS

Full Faith and Credit: [Title 18 USC §2265 and §2266](#)

- Requires states 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 or Indian tribe.
- 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.
- The provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final protection orders issued by civil and criminal courts (other than support or child custody orders). In other words, it extends to temporary and final, civil and criminal orders of protection.
- The provision states that officers should enforce out-of-state orders of protection that are presented to them if the order appears valid on its face, i.e., it contains both parties' names and has not yet expired. The provision further states that even if the out-of-state order is uncertified, it should be enforced if it meets the requirements of facial validity.

Disposal, Receipt or Possession of a Firearm: [Title 18 USC §922\(d\) and \(g\)](#)

- 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. 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.

- 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.

Interstate Domestic Violence: [Title 18 USC §2261\(a\)\(1\)](#)

- Prohibits the travel across state lines or the leaving or entering of Indian Territory with the intent (at the time of the crossing) to injure, harass, or intimidate a spouse or intimate partner. This provision is violated when a person, after the crossing, then intentionally commits a violent crime or causes a bodily injury.

Causing the Crossing of State Line by Force, Coercion, Duress, or Fraud: [Title 18 USC §2261\(a\)\(2\)](#)

- 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.

Interstate Stalking: [Title 18 USC §2261A](#)

- Prohibits travel across a state line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, when in the course of, or as a result of, such travel, the person is placed in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's family.

Interstate Violation of a Protective Order: [Title 18 USC §2262](#)

- This provision is violated when a person travels across state lines or leaves or enters Indian territory with the intent to engage in conduct that (A) (i) violates the portion of a PO that protects against credible threats of violence, repeated harassment, or bodily injury; or (ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the PO was issued; and (B) subsequently engages in such conduct.

COMPARISON OF ORDERS OF PROTECTION

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

Protective Orders and Restraining Orders				
Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
Protective Order (PO) (C.G.S. §46b-38c) (C.G.S. § 54-1k)	<ul style="list-style-type: none"> ➤ Issued by a judge in a criminal case, usually at the time of arraignment. ➤ There is no cost to the victim. ➤ Victim may not want a PO or even know the PO has been issued. ➤ Offender, not the victim, is responsible for upholding order. ➤ Is a condition of the offender's release. 	<ul style="list-style-type: none"> ➤ Duration of the criminal court case. ➤ Until criminal case ends ➤ Judge may modify or terminate at any time, without victim knowing. ➤ May continue during probation [CGS §53a-28(f)] ➤ Check with Protection Order Registry 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/ residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. May include animals. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Protective Order [C.G.S. §53a-223] (D Felony) ➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of a victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of PO.
	➤	➤	➤	➤
Restraining Order (RO) (C.G.S. §46b-15) Includes Ex-Parte order	<ul style="list-style-type: none"> ➤ Victim files an "Application for Relief from Abuse" in the Family Division of Superior Court (civil court). ➤ Ex-partre order may be granted by judge. Hearing on order scheduled within 14 days. ➤ Victim must ensure that offender is "served" with notice of hearing. ➤ Offender, not the victim, is responsible for upholding order. ➤ There is no cost to the victim (for filing or service). 	<ul style="list-style-type: none"> ➤ Ex-partre 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. 	<ul style="list-style-type: none"> ➤ Same provisions as in Protective Orders (above). ➤ May include custody orders. ➤ May include financial conditions for spouse (ex)/dependent children, living together (i.e. utilities, insurance, mortgage, rent, support). ➤ No disposal of property, documents, keys, ID. ➤ Must surrender weapons immediately, but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Restraining Order (C.G.S. §53a-223b) (D Felony) ➤ Unless violation includes, 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.

		<ul style="list-style-type: none"> ➤ Order will not end prior to the expiration date without the victim being notified. ➤ Check with Protection Order Registry. 		<ul style="list-style-type: none"> ➤ 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
<p>Standing Criminal Protective Order (SCPO) (C.G.S. §53a-40e)</p> <p>AKA: <i>Standing Criminal Restraining Order (pre-Oct. 1, 2010)</i></p> <p><i>Permanent Protective/Restraining Order</i></p>	<ul style="list-style-type: none"> ➤ Issued by a criminal court judge at the time of sentencing. ➤ Can only be issued if offender is convicted of: <ul style="list-style-type: none"> ▪ Violation of enumerated offenses; or ▪ Any crime the court determines to be family violence; or, ▪ Any other crime for good cause shown. ➤ No cost to victim. ➤ Victim may not want a SCPO or even know the SCPO has been issued. 	<ul style="list-style-type: none"> ➤ Orders issued prior to Oct. 2010 could last indefinitely. ➤ Orders issued post Oct. 2010 shall remain in effect for any duration specified by the court at the time of sentencing. ➤ Orders can be modified and/or terminated without notice to or consent of the victim. 	<ul style="list-style-type: none"> ➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order). ➤ Offender must stay away from the protected person's home (full/residential stay-away order). ➤ Offender to have NO CONTACT with victim. ➤ Offender to remain 100 yards away from victim. ➤ Order may extend to victim's minor children, but will usually not include custody orders. ➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children. 	<ul style="list-style-type: none"> ➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. §53a-223a) (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.). ➤ Criminal Trespass 1st [CGS §53a-107] if in violation of SCPO.
<p>Foreign Orders of Protection (C.G.S. §46b-15a)</p>	<ul style="list-style-type: none"> ➤ Entitled to enforcement in Connecticut where: <ul style="list-style-type: none"> ▪ Issued by courts of: (1) another state; (2) District of Columbia; (3) U.S. commonwealth, territory or possession; or (4) Indian tribe; ➤ Presume an order is valid if the content and form appear to be authentic (Full Faith & Credit). The order does NOT have to be a certified copy. ➤ May be criminal or civil. Conditions vary by issuing entity. ➤ Must surrender weapons immediately but not later than 24 hours after notice. ➤ Must surrender permit/eligibility certificate within 5 days of notice. ➤ A person may register a foreign order of protection in Connecticut, but is NOT required to do so, and law enforcement cannot refuse to enforce an order because the order does not appear in COLLECT, NCIC or the Protection Order Registry. 			<ul style="list-style-type: none"> ➤ Criminal Violation of a Foreign Order of Protection (C.G.S. §53a-223b) (D Felony) ➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony). ➤ Arrest for all other crimes for which there is probable cause (e.g., criminal 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)	<ul style="list-style-type: none"> ➤ A person charged with a family violence crime can be released with non-financial conditions of release¹ by: <ul style="list-style-type: none"> ▪ Law enforcement; ▪ Bail commissioner; or ▪ A judge. ➤ To verify: <ul style="list-style-type: none"> ▪ Check File 20; ▪ Contact clerk of court in JD/GA where order issued; ▪ Contact bail commissioner who released offender; ▪ Contact police department who released offender. 	<ul style="list-style-type: none"> ➤ COR imposed by bail commissioner or law enforcement remain(s) in effect until offender is presented to a judge at arraignment. ➤ COR imposed by a judge remain(s) in effect for the duration of the case or until further order of the court. 	<p>Law Enforcement:</p> <ul style="list-style-type: none"> ➤ Comply with specified restrictions on travel, association, or place of abode; ➤ Not engage in specified activities, including use/possession of dangerous instruments or possessing any deadly weapons, intoxicant, or controlled substance; ➤ Avoid all contact with alleged victim. <p>Bail Commissioner</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Remain under supervision of designated person or organization; ➤ Any other condition reasonably necessary to ensure appearance of the person in court. <p>Judge:</p> <ul style="list-style-type: none"> ➤ Any of the above; plus ➤ Any non-financial condition the judge deems appropriate; ➤ Compliance with Protective Order. 	<ul style="list-style-type: none"> ➤ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. §53a-222). (D Felony) ➤ 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 (C Felony). ➤ 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)	<ul style="list-style-type: none"> ➤ Not for DV Cases ➤ Issued by civil judge. ➤ Victims of stalking, sex assault, sexual abuse. ➤ Service by marshal. ➤ Hearing within 14 days. 	<ul style="list-style-type: none"> ➤ Lasts up to one year. ➤ Victim requests order. ➤ Cannot have a PO for same incident before CPO. ➤ If victim wants to extend beyond one year, must file a motion at least 3 weeks prior to expiration. 	<ul style="list-style-type: none"> ➤ Offender not to impose restraint on the person or their liberty, threaten, harass, assault, molest, sexually assault or attack the protected person. ➤ Offender cannot enter dwelling of protected person. 	➤ Criminal Violation of a Civil Protective Order (CGS §53a-223c) (D Felony)
Other Orders				

¹ 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).

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

LETHALITY ASSESSMENT PROTOCOL

DEFINITIONS:

“Lethality Assessment” is the identification of victims of domestic violence who are at the highest risk of being killed by their abuser.

“Lethality Assessment Program” written as LAP, is the:

1. Identification by a first responder—an officer in this case—of victims of domestic violence who are at the highest risk of being killed,
2. For the purpose of getting them out of harm’s way, as necessary, and
3. Getting them into domestic violence services.

The Maryland Network Against Domestic Violence (MNADV) was awarded a Violence Against Women grant in October 2003 to establish lethality assessment in Maryland.

Because lethality assessment was clinically based, the MNADV sought to establish it as a tool for first responders. Specifically, the MNADV wanted to create a first responder lethality assessment instrument and an accompanying protocol that would help first responders handle potentially dangerous cases.

After two years of development by a committee, field testing, workshops, and evaluation, the Lethality Assessment Program for First Responders (LAP) was implemented on October 1, 2005.

THE INSTRUMENT:

The LAP questions are researched-based and identify those factors that are generally most predictive of homicide.

DOMESTIC VIOLENCE LETHALITY SCREEN FOR FIRST RESPONDERS

When to Initiate a Lethality Assessment? When **an intimate relationship** is involved; AND You believe an **assault** has occurred, You sense the potential for **danger** is high, Names of parties or location are **repeat** names or locations, OR You simply believe one should be done.

Hotline # :

Officer:	Department/Town:	Date:	
Victim:	Offender:	Case #:	
<input type="checkbox"/> Victim has been informed that any responses to the following questions could be used in the criminal or civil court process.			
<input type="checkbox"/> Check here if victim did not answer any of the questions.			
► A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.			
1. Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
► Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.			
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
5. Has he/she ever tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
8. Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
► An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.			
Is there anything else that worries you about your safety? (If "yes") What worries you?			
<p>Check one:</p> <p><input type="checkbox"/> Victim screened in according to the protocol</p> <p><input type="checkbox"/> Victim screened in based on the belief of officer</p> <p><input type="checkbox"/> Victim did not screen in</p>			
<p>If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the hotline counselor?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Advocate First Name:</p>			

THE LAP SCREEN:

Note: The LAP screen is a handout for officers. Have the participants examine the screen and follow along as this section is being instructed.

The LAP questions are researched-based and identify those factors that are generally most predictive of homicide.

Marking the LAP Screen correctly:

Besides correctly marking each of the 11 questions according to the victim's answers, there are four areas on the Lethality Screen that are important for tracking victims and monitoring LAP:

AT THE TOP OF THE LAP SCREEN

Complete the boxes so that this information can be tracked by both the law enforcement agency and the domestic violence provider

JUST BELOW THE TOP OF THE LAP SCREEN

Do as the instructions read: "Check here if victim did not answer any of the questions" Encourage the victim to answer, but if she/he still declines, the administration of the Screen is complete.

"CHECK ONE" NEAR THE BOTTOM OF THE LAP SCREEN

If the victim screened according to the protocol, she/he answered "yes" to at least one of the top three questions, or to four of Questions #4 through #11.

If the victim screened in based on the belief of the officer, despite the victim's answers to the questions, the officer believed the victim was in danger and elected to call the hotline.

If the victim did not screen in, she/he answered "no" to all of the first three questions, no to less than four of the remaining questions, and the officer did not consider the victim to be a danger case.

IF THE VICTIM SCREENED IN: AT THE BOTTOM OF THE LAP SCREEN

In EVERY case where a victim screens in at "high danger", ensure to correctly check "yes" or "no" as to whether the victim spoke on the phone to the advocate. And remember : WHENEVER a victim screens in at high danger, MAKE THE CALL to the advocate whether or not the victim initially indicates that she/he wants to speak to the advocate.

KEY: PHONE CALL, ENCOURAGEMENT, AND COOPERATION

These three key features help to reach the primary objective of getting victims into services. The on-the-scene connection to the advocate puts the victim in a position to receive immediate assistance. The officer should be available to help if the advocate or the victim needs assistance with immediate safety planning.

1. **Phone Call:** The phone call to an advocate is not the norm for the officer or the advocate. This is something new to you both. You will grow into it, but in the meantime, there may be a little anxiety and uncertainty about dealing with one another and this type of call. You both have a job to do on these calls and objectives you are trying to meet. You are assessing the victim and trying to connect her/him to the advocate, the advocate is trying to account for the victim's safety and get her/him into services. You and the advocate are a TEAM in this effort. Respect

each other's task at hand and each other's job, and remember you are both serving a victim who is in danger of being killed.

2. **Encouragement:** The victim will likely be reluctant or initially decline to take the first step. Work with a supportive attitude and language to try to get her to rethink the next steps.

3. **Communication & Cooperation:**

- a. It's a brief call. The advocate speaks to the victim for no more than 10 minutes. But from the beginning the mind-set should be that the officer and the advocate are working together as a team with a focused procedure to convince the victim to speak on the phone and then to convince her/him to go into services.
- b. The objective of getting a victim into services is significant because only 4% of women who have been killed by their abuser had ever sought the services of a domestic violence provider. Making the phone call and convincing the victim just to speak with the advocate creates the positive effect of initiating a connection to services. The victim will also "know" whether the officer and the advocate are "on the same page".

STANDARDS: WHEN TO USE THE LAP SCREEN

1. **Only in cases of intimate-partner relationships, such as husband/wife, ex-husband/wife, boyfriend-girlfriend, ex-boyfriend/girlfriend, past or current dating relationships, having a child in common, same-sex relationships; and**
2. **When any of the following standards are met:**
 - a. You believe there's been an assault,
 - b. You believe the victim faces danger once you leave,
 - c. The home or the parties are repeat locations or names, or
 - d. When your gut tells you the situation is dangerous

INITIATING THE LAP SCREEN AND ASKING THE QUESTIONS

1. The officer should simply advise the victim that he/she would like to ask the victim some questions to help the first responder get a better idea of her situation. The assessment questions should be asked in the order they are listed on the form and read exactly as worded.
2. When an officer initiates a Lethality Screen, he/she needs to be aware of how he/she introduces it. How the officer approaches the initiation of the screen can very easily mean its success or failure. The officer's attitude about the screen can doom it to failure or give it a chance to work. The officer should not make it appear to the victim that this is something the officer is required to do. The officer should introduce it simply and positively with words such as "I'd like to ask you some questions that will help me understand your situation a little bit better." If the officer makes the screen seem like a perfunctory obligation, the victim may not want to participate because she/he perceives that the officer does not really care.

3. Officers should ask ALL the questions, even if the victim responds positively to Questions #1 through #3. The more questions to which the victim responds positively, the clearer and more immediate it is that the victim is in danger.

ASSESSING THE RESPONSES: SCREEN-INS AND CUTOFFS

After the officer asks the questions on the Lethality Screen, he/she will handle the information as follows:

- a. Yes to Q. # 1, #2, or #3 ---Referral. A “yes” or positive response by the victim to any of Questions #1, #2, or #3 reflects a high danger situation and automatically triggers the protocol referral process.
- b. Yes to Four of Q #4 to #11 ----Referral. If the victim gives negative responses to Questions #1 to #3, but positive responses to at least four of Questions #4 to #11, that reflects a high danger situation and triggers the protocol referral.

“No” or negative responses to all of the assessment questions, or positive responses to no more than three of Questions #4 to #11, may still trigger the protocol referral if the first responder believes it is appropriate.

- a. An officer may trigger the protocol referral whenever he/she believes the victim is in a potentially lethal situation.
- b. On the Lethality Screen this is referred to as “Victim screened in based on the belief of officer”
- c. This is reserved for those occasions when the victim did not answer “yes” to certain or enough questions to “screen in according to the protocol” but the officer believes or senses, based on his/her experience and instincts that the victim is in danger.

Whenever the victim has responded negatively to all questions or given positive responses to no more than three of Questions #4 to #11, the officer should ask the victim the following question: “Is there anything else that worries you about your safety? If “yes”, what worries you? The response to the question may help the officer better determine whether the protocol referral should be triggered.

PROTOCOL REFERRAL NOT TRIGGERED OR VICTIM DOES NOT COMPLETE THE SCREEN

If the protocol referral is not triggered or the victim does not complete the lethality screen, the officer will:

- a. Advise the victim that domestic violence is dangerous, and sometimes fatal,
- b. Review the factors from the Lethality Screen so that the victim can be on the lookout for them,
- c. Encourage the victim to contact the hotline, and
- d. Provide the victim with police contact information.

HIGH DANGER ASSESSMENT-IMPLEMENTATION OF PROTOCOL REFERRAL

If a high danger assessment is made or the officer believes it is appropriate, the officer will implement a protocol referral as follows:

- 1) Advise of Assessment.
 - a) Advise victim she/he is in danger, that people in her/his situation have been killed.

- 2) Request by Officer to Call Hotline.
 - a) Tell victim you will call hotline to get information to help her/him and you would like for her/him to consider speaking to the hotline advocate.
- 3) Guidelines for Conversation between Officer and Hotline Advocate
 - a) Refer to section on this conversation to guide officers on the conversation. The guidelines script the conversation between the officer and the hotline advocate. If time, permits, review the officer's conversation in more detail.
- 4) If the victim agrees to speak with the advocate, the officer will call the domestic violence hotline and advise the advocate that he/she has made a high danger assessment, or believes that the victim is in danger, and that the victim would like to speak with the advocate
 - a) After providing brief information about the domestic violence incident and the responses to the screen - the officer should allow the victim to speak on the telephone to the advocate
 - b) The officer should wait until the conclusion of the call and be guided by the safety planning decisions that were made by the victim.
- 5) If the victim initially declines to speak with the hotline advocate, the officer will:
 - a) Tell the victim that the officer will contact the domestic violence hotline to receive guidance on how to proceed with the situation;
 - b) Tell the victim that he/she would like the victim to reconsider speaking with the hotline advocate.
 - c) After the officer concludes the conversation with the advocate, ask the victim if she/he has reconsidered and would now like to speak with the advocate. The officer should encourage the victim with such phrases as "you're just talking;" "it's confidential;" "the advocate can help you;" "just give it a try;" "they understand how difficult this is for you;" and they understand what you're going through." Focus on a particular situation the victim has expressed to you and address that specific issue with possible resolution. As an example if the victim is trying to get away from the offender explain that the advocate can help
- 6) If the victim continues to decline to speak with the hotline worker, the officer should speak with the advocate to obtain safety planning information and convey that to the victim, in addition to covering the procedures explained in the video.
- 7) Completing the Call. Once the conversation is completed between the advocate and the victim and the officer is still on scene, the advocate will ask the victim to put the officer on the phone. The advocate will brief the officer about the plan, within the limits of confidentiality. It is important for officers to realize the advocates are not free to share certain information. Officers should not second guess decisions that the advocate conveys to the officer. Officer should realize that it is the victim who will make the final decisions concerning her/his safety.

CONCERNING THE PHONE

VICTIM'S PHONE:

A caution concerning phone use is whether the instrument's call history can be recalled by the abuser and serve as a trigger to violence.

- 1) Officers should use victim's wired phone unless the line's call history can be recalled.
- 2) Officers should have the victim call a familiar number of a friend, relative, or work after hanging up with the hotline to delete the hotline number from the last-call made feature on most phones.
- 3) Officers should NOT use the victim's cell phone unless the abuser does not have any access to it.

OTHER PHONE:

If there is no useable phone available, officers should consider another phone, including the officer's cell phone, or an available supervisory phone, or a neighbor's.

WHAT DOES THE OFFICER DO WHEN HE/SHE CANNOT ADMINISTER A LETHALITY SCREEN AT THE SCENE.

This will occur in such cases when no phone alternative is available, the abuser is present, or the victim is inebriated or has to go to the hospital. Officers should NOT dismiss these situations; they should ensure that the Lethality Screen is completed.

Such considerations as using their cell phone; conducting a screen at the hospital, if the victim is able; they could go back to the home when the abuser would not be present; they could have another officer or unit follow-up to do the screen.

WHAT SHOULD THE OFFICER DO WHILE THE VICTIM SPEAKS WITH THE ADVOCATE?

Stand by, the call should be brief approximately 10 minutes. However recognize that the conversation between the victim and the advocate could be longer. The advocate is trained, when the advocate realizes that a longer conversation may be in order to assess the victim's need for further assistance from the officer. The advocate may request to speak with the officer and advise him/her that they are no longer needed.

CASES OF MUTUAL ASSAULT:

In mutual assault cases, many times one of the parties has acted in self-defense. Administering the screen to an abuser would enable the abuser to manipulate the protocol referral and possibly have dangerous repercussions for the real victim. It is not likely that both parties would exhibit the dangerous and controlling factors that comprise the Lethality Screen. Assess the situation carefully. Be wary of administering screens to both parties. Screen the victim in the relationship.

INTERVIEWING DV

Once control of a scene has been established, the officer's role is now to proceed with a thorough and complete investigation to determine if there is evidence of the crime of intimate partner violence. How an officer conducts him or her self during the interview will often determine the level of cooperation the officer will receive from the victim at the crime scene. The interview can also influence the victim's willingness to cooperate during the prosecution.

When beginning questioning with victims, responding officer(s) **should** do the following:

- Express understanding, display patience, and provide respect for the victim, and attempt to establish trust and rapport.
- Display professional conduct at all times.
- Be an impartial fact finder.
- Remember that victims may struggle with gaps in memory.
- Ask open-ended questions that invite a narrative response.
- Inform the victim in advance of actions to be taken and either obtain consent to search the scene or obtain a search warrant as necessary.

When beginning questioning with victims, responding officers should not do the following:

- Ask leading questions.
- Push for a chronological account of what occurred.
- Ask victim blaming questions ("why did you...?" "why didn't you...?").
- Use jargon; acronyms; or police, medical, or legal terms.

Language considerations:

- Conduct interviews in the individual's primary language. The responding officer may need to call for another officer fluent in the language, or access support services or technology applications.
- Consider what the victim understands and how they express themselves. It is imperative to determine if any accommodations are needed including specific physical accommodations, language interpreters including an American Sign Language (ASL) interpreter, communication book or pictures, individualized communication device, computer, or other available communication tools. Work closely and patiently with the victim to ensure that all details are captured correctly. In some situations, it may be necessary to ask the victim if there is someone who can help facilitate communication and dialogue; this should be a person trusted and selected by the victim (with the exclusion of children).

Inquiring about and documenting **injuries**:

- Ask anyone at the scene about signs and symptoms of injuries, including those that may be concealed by clothing or otherwise not readily apparent including internal and external injuries due to strangulation or attempted strangulation. Further visual investigation and color photographs of these areas may necessitate an officer of the same sex as the injured person.
- After making a proactive assessment of the physical condition of all parties and speaking with the victim, determine whether to summon emergency medical services (EMS) to the scene. In addition, summon EMS at the request of the victim or suspect (whether the officer believes EMS

should be summoned or not).

- If there is indication that strangulation occurred, EMS should be summoned Suspect considerations:
- If the accused has been arrested or detained using handcuffs prior to the interview, the
- Miranda warning must be given prior to questioning.
- If the accused has fled the scene, obtain a description and solicit information as to the possible whereabouts of the accused.

SEPARATE THE PARTIES AND INTERVIEW THE VICTIM OUT OF THE SUSPECT'S HEARING AND VIEW

- Separate the victim and suspect as soon as safely possible
- Interview them separately.
- Take the victim out of hearing range and away from eye contact with the suspect

This will greatly decrease the likelihood that the victim will be intimidated by the suspect. It also increases the likelihood of cooperation with the officers.

In making decisions about when and how to separate the parties and while conducting the interviews, do not jeopardize officer safety. Safety of the officers and parties involved requires the officers to maintain control of the parties during the interview

OFFICERS SHOULD ASK:

- Can you tell me what happened?
- You have an injury. It looks like someone hit you.
- Who hit you?
- Has this person ever hit you before?
- What did the person hit you with? Open or closed hand?
- Where on your body were you hit?
- How many times were you hit?
- Was any instrument used? A shoe? A knife? A gun?
- Were any threats made against you?
- Are there weapons in the house?

INTERVIEWING STRATEGIES

- If the victim or suspect is angry or distraught, the officers can directly ask this person to slow down, talk slowly and lower his or her voice.
- If the victim is yelling, crying or generally difficult to interview, tell her that you cannot understand him/her
- Repeating clear instructions, or questions, in a sincere voice will help the person -- victim or suspect -- focus on what the officers are saying and calm down.
- Officers should be aware of their body language. How an officer stands and holds his or her arms and head, the nature of the officer's facial expression and the officer's tone of voice
- Be patient. Repeat questions if the victim does not understand or answer them fully.
- Question statements indicating that the injuries were caused by an accident. Use specific, non-accusatory questions.
- Don't get bogged down trying to ascertain motives

MANY FACTORS AFFECT A VICTIM'S ABILITY AND/OR WILLINGNESS TO COOPERATE AND PROVIDE INFORMATION IN AN INTERVIEW

This may be the first time that the victim has called the police.

The neighbors may have called the police and, therefore the victim will be surprised to see the police officers, and probably embarrassed as well.

The victim may not be aware that the abuse is a crime.

The officers may be asking the victim very personal questions that no one else has ever asked before - and he or she doesn't even know the officers.

VICTIM FEELINGS THAT CAN HINDER THE POLICE INVESTIGATION

- Fear for self, children and possibly, for suspect
- Immobilization and shock.
- Feelings of helplessness and hopelessness to effect change.
- Guilt, shame or embarrassment.
- Feelings of self-blame, i.e., the victim may feel that she is responsible for the violence.
- Feelings of isolation, i.e. the victim may have been isolated and appear unresponsive or impaired

RESPONDING TO VICTIM FEARS

To gain the victim's confidence and cooperation, the officers must show themselves to be aware of and responsive to her feelings. By reassuring the victim in this way, the officers will increase her willingness to reveal the specifics of the crime. To reassure the victim:

- Emphasize that the victim is not responsible or to be blamed for the violence.
- Explain that she is safe while you are present and that the police are there to help the victim.
- Tell the victim that she is not alone and that this happens, unfortunately, to many people

VICTIM RELUCTANCE TO COOPERATE

Contributing Factors

- Lack of Faith in the Criminal Justice System
- Genuine Confusion
- Fear of Retaliation
- Economic Hardships
- Social Stigma
- Isolation

ENCOURAGE VICTIMS

- Remind victims that a crime has occurred and that they have the right to be free from physical assaults and abuse.
- Tell them about counseling and other programs that may be able to decrease or end the offender's destructive behavior.
- Let victims know that there are programs that help people in their situations, and that they can talk with counselors about the options and alternatives.

- Reiterate that they alone cannot solve a violent partner's problems.
- Inform the victim that domestic violence usually reoccurs and gets worse unless there is some form of intervention.
- Let the victim know that she is not helping the abuser if she colludes with his efforts to minimize or cover up the situation.

GATHER ALL RELEVANT BACKGROUND INFORMATION

- Are there weapons in the house?
- Were there witnesses?
- Was the reporting party someone other than the victim? If so, have the officers spoken with that person?
- Are there children likely to be endangered by the incident or did children witness the incident?

GATHER RELEVANT HISTORICAL INFORMATION

- Has this ever happened before?
- What was the worst incident?
- Has a weapon ever been used?
- Has the suspect ever been arrested for hurting you before?
- Have you ever been treated by a doctor or hospitalized for injuries inflicted by the offender?

BY INQUIRING ABOUT PAST VIOLENCE EPISODES, THE OFFICERS MAY GAIN INFORMATION THAT WILL AID THEM IN DECIDING

- How dangerous the situation is.
- Whether to charge the suspect in the non-mandatory arrest charges.
- What charges to file.
- Whether or not the children are safe.
- Whether emergency housing should be sought for the victim's safety

DURING INTERVIEW REMEMBER:

- Address the victim's safety and privacy by conducting the victim interview in an area apart from the suspect and witnesses. Obtain information about previous incidents, including frequency and severity.
- Ask about any acts of intimidation that may have occurred, during this incident or any previous incidence, that were intended to prevent the victim from calling the police or seeking other assistance.
- Check for the existence of a protection order or similar court orders through dispatch or by whatever means available. If one is said to exist, ask the victim if they possess a copy. If not, other means to verify the order must be taken.
- Ask the victim about any stalking behaviors, concerning this incident or previous ones. Document objects or items given to the victim by the suspect, or any unwanted contact that made the victim feel frightened or threatened. Keep in mind the course of conduct and context of the crime. Remember that unwelcome gifts, contact, or attention from the suspect may be indications of serious danger.
- Ask the victim if they called, sent text messages to, used social media, or spoke to anyone prior to police arrival to identify potential evidence and possible additional witnesses.
- In accordance with agency evidence collection guidelines, collect, preserve, and document all

physical evidence to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing, pulled out hair, etc.), and evidence recording the crime scene (including any property damage, vandalism, etc.).

Complaints of pain, whether or not injuries are visible, should also be documented.

- Document any healing or old injuries.
- Ensure that photographs are taken of the victim, as well as of the suspect, whether or not there are visible injuries. The investigating officer should make arrangements for follow-up photographs of the victim's injuries.
- Assess for and document all actual and suspected incidents of violence including physical and sexual abuse, elder or child abuse, and animal cruelty.
- Discuss intimidation with the victim, including identifying and reporting it. Provide examples of subtle forms of intimidation, such as specific body language or gestures, contact through a third party or social media, or sending unwanted gifts, and a safe way for the victim to contact law enforcement. Ensure the victim is aware that intimidation can come from the suspect or others.

CHILDREN AT THE INCIDENT:

- Document any signs of trauma and any apparent wounds or healing wounds on child(ren) and take appropriate action, in accordance with state law and relevant agency policy to prevent imminent harm to the child(ren).
- Determine if a child's immediate safety and welfare requires involvement of Child Protective Services, in accordance with agency policy.
- Clearly and simply explain what has happened and what will happen next, including what is going to happen to the parents/adults and what is going to happen to the children. Ask children if they have any questions. Respond honestly, directly and simply.
- Review basic safety plans with the child on what they can do if another incident of violence occurs.

INTERVIEWING THE SUSPECT

Batterers come from all socio-economic backgrounds. They include the rich, the poor, the middle class, the educated, and the uneducated.

In some cases, the responding officers may be required to resort to calming techniques because the batterer may be angry that some strangers have intruded into a family matter. However, in some cases, the batterer may be agreeable or conciliatory to the officers. They may deny that abuse occurred or minimized the degree of abuse. They may also blame their partner and that they had no other option but to take corrective action.

The officers must be alert to any manipulative language or behavior of the batterer when they question the batterer. The officers should:

- Not make any accusatory statements while questioning the batterer. They should allow the batterer to tell his version of the incident before confronting the batterer with contradictory information.
- Not collude or support the suspect's statements as to the reasons for the abuse.
- Document all spontaneous statements by the batterer, even if the statements appear on their face to be self-serving.

- Give the suspect Miranda warnings before questioning, if the officers placed the suspect under arrest or restrained his freedom of movement like an arrest
- Calm the suspect.
- Use non-judgmental language when interviewing the suspect.
- Get suspect's side of the story.
- Avoid telling the suspect what you discussed with his wife / partner.
- Avoid revealing the person who called police
- Tell the suspect that his arrest is a police decision not the victim's decision.

WITNESS INTERVIEWS:

- Interview all witnesses fully as soon as circumstances allow. If witnesses provide information about prior incidents, the officer should document the information to establish a pattern.
- Document any statements the victim may have made to friends, family, neighbors, or others about this or any prior incidents in the report and those witnesses interviewed for statements.

PLAN FOR FOLLOW-UP:

- Available reports of previous incidents (if they exist), should also be referenced for corroboration and potential additional information.
- Offer to contact a local advocate to provide support to the victim as available and provide a list of current contact information for local intimate partner violence victim advocacy organizations. As part of a community-coordinated response, work with local support agencies to develop these resources. Because conversations with system or community advocates may be privileged, investigating officers must understand that unless there is a written waiver, a victim advocate cannot disclose information from the victim, even if it would significantly impact the investigation or prosecution of the case.
- Ask the victim where they will be staying and alternate points of contact. This information will be important to officers as well as prosecutors.

SAFETY PLANNING

GENERAL SAFETY STEPS

If you feel safe doing so, it's a good idea to develop a relationship with an advocate or counselor at your local domestic violence agency *before* you are in a crisis situation. She may help you think things through, explore your options, and help you with your safety plan. Be aware that some standard safety steps such as packing an escape bag or changing your daily routine could increase your abuser's suspicion and vigilance.

- **Memorize** all important phone numbers.
- Decide whom you will inform of your situation. Is there **someone you can talk to** freely and openly, and who can give you the support you need?
- If you are thinking of returning to a potentially abusive situation, **discuss an alternative plan** with someone you trust.
- If you have a **protective order**, keep it with you at all times. If it is safe, tell family, friends, and neighbors that you have an order.
- Keep your **cell phone** on your person.

- **Teach your children** what they are to do when you or they are in danger. Practice where they are to go, whom to call. Give a copy of your **order of protection** to their school or daycare provider.

AT HOME

- Installing a home security system is costly, and your abuser may know how to disable a system. Most **security systems** notify the local police when there is an intrusion, which may not be the best option in your situation. There are inexpensive items you can purchase to alert you when someone is trying to enter your home or apartment.
- You can install **extra locks** on your windows and patio doors. Outdoor lighting, **motion-activated lights**, and timers on inside lamps are inexpensive ways to protect yourself.
- Is there a **neighbor** you can tell about the danger you are in? If so, set up a time and way that you will check in each day. Agree on a plan of what your neighbor will do if s/he sees or hears a disturbance at your house — especially if you *don't* want them to call the police. Decide on a **signal** (such as turning on a specific light) that you will try to use if you are in trouble. Agree on what your neighbor will do if s/he sees your signal.
- Identify and practice an **escape route** from your home and workplace. Know which doors, windows, elevators, stairways or fire escapes can be used to get out quickly. Practice it!

VEHICLE SAFETY

- GPS (such as OnStar®, etc) is now standard equipment in new vehicles and easily installed in older vehicles. **GPS can reveal your location.** If you are concerned that your abuser is monitoring your travel/location, have your vehicle checked for a GPS device.
- Be alert for vehicles following you. Keep a notebook and pen within reach so you can discreetly record the make and license plate number of the vehicle.
- Vary the times you leave for work and come home. **Change your routes** to work, school and shopping. Review your travel route between home and work with those involved in your safety plan.
- Check the front and rear passenger areas before entering your car whether it is day or night. **Check your car** before opening the door or starting the engine. Look under the car for leaking fluids (brake lines, etc.) Test your lights, steering and brakes before driving.

ESCAPING YOUR HOME

Review your safety plan as often as possible in order to plan the safest way to leave your abuser.

Remember: leaving can be the most dangerous time.

- Decide where you will go if you must leave your home quickly. This must be somewhere your abuser would not think to look for you. If you must drive your own vehicle to get away, remember to **hide it** as best you can when you arrive at your destination. A vehicle GPS system can reveal your location.
- **Turn off your cell phone!** Remember that cell phones transmit signals that give your relatively specific location at any given time.
- **Do not use** a credit or debit card, gas card, ATMs, etc! These all leave electronic footprints.

PRACTICE SAFER TECHNOLOGY

Sophisticated and affordable surveillance products are readily available to anyone who wants to track or stalk another person. Cell phones, computers, e-mail, credit cards, ATMs, automobiles and public transportation leave a trail of information about where you are and what you are doing. Police officers

have access to additional private and public information: information from the Department of Motor Vehicles, criminal records, telephone and utility companies, credit bureaus, banks, landlords, mortgage companies, school personnel, hospital staff, insurance companies, government agencies, and other sources. Communication, banking and transportation services use interconnected networks and databases. A batterer who is in law enforcement has the investigative skills and knowledge to obtain and use personal information against you, your family and friends.

If you think your computer usage is being monitored, it probably is. Remember that as a police officer, your abuser is trained to notice anything out of the ordinary, so it may be dangerous to change or delete email accounts, erase cookies, change passwords, or erase your Internet history if you usually don't do so. Your abuser doesn't need special skills to monitor your computer or Internet activities. There are many programs he can use to track all your computer usage — web sites you visit, documents you read, create or edit (online or off-line,) and *all* your email activity. It doesn't matter if you try to delete files or hide your work behind passwords. He can also discover web-based phone calls, online purchases and banking, and many other activities. There is no way you can completely erase what you have done on any computer.

If you are looking for information on abuse or planning your escape, **don't use your home computer.** If you can, use a "safer" computer and an account that your abuser does not know about. For example, a friend's computer, or a public computer in a library, hotel, or other free public access. Avoid using public web services that require information such as your driver's license or credit card numbers. Create difficult passwords for your email, voice mail, and home security access. Even though your abuser can break a password, one that combines numbers, letters and symbols will make it more difficult. It may help to create a new online account and password that you use only on safer computers.

Email, messaging, texting and other electronic communications are never a confidential means of communication. They are **equivalent to sending a postcard.** Avoid posting any personal information or abuse history on a blog, public or private forum, or social networking site. It does not matter if you create an alias. Whatever you post is ultimately traceable.

Avoid using cellular or cordless phones. Your calls can be intercepted, listened to and recorded with eavesdropping equipment. Remember that cell phones transmit signals that reveal your location. There is also a record of every call you make and receive. Your cell phone contains a wealth of information about you. If you can, use someone else's phone to make confidential calls. Your abuser may have tapped or put a bug on your line.

ADDITIONAL PLANNING IN LAW ENFORCEMENT OFFICER ABUSER SITUATIONS
Standard safety planning may be problematic or even dangerous for women whose abusers are in law enforcement. The following takes a standard safety plan and includes additional safety considerations for officer-involved domestic violence.

SAFETY DURING AN EXPLOSIVE INCIDENT

Standard: Try to avoid being trapped in a bathroom or the kitchen because there are objects that can be used as weapons.

While this is good advice, your abuser may wear his service weapon all the time as well as have other weapons throughout your home. He also knows how to subdue a person using his body alone.

Standard: Try to stay in a room with a phone so you can call 911, a friend, or a neighbor.

He may make it impossible for you to reach the phone or he will pull the phone from the wall, so try to keep your cell phone on your person. Again, his training may make him particularly effective at physically controlling you and preventing you from making a call.

Standard: Call 911.

This might only be a last resort for you. You know that he has a close working relationship with the dispatchers and responding officers. He may taunt you to "go ahead and call the police," because he is confident that his co-workers or colleagues will accept his version of the incident.

Standard: Practice how to get out of your home safely. Visualize your escape route. Identify the best doors, windows, elevator, or stairwell.

Good advice but remain aware that your abuser is also aware of escape routes and may make sure you can't get to them. Again, he has been trained in a variety of tactics to stop someone who is trying to escape.

Standard: Have a packed bag ready with any medications and other important items. Keep it hidden in a handy place in order to leave quickly. Consider leaving the bag elsewhere if your abuser searches your home.

Your abuser may be hyper-vigilant and notice items that you would need are missing from their usual places. Consider buying duplicate items so that things remain as "normal" as possible.

Standard: Ask a neighbor to call the police if they hear a disturbance coming from your home.

You may not want neighbors to call the police. Is there anything else you would want them to do to intervene or create a distraction?

Standard: Devise a code word to use with your children, grandchildren and others to communicate that you need the police

Again, you might use a code word to signal that you need help, but may not want them to call the police. Is there anything else you would want them to do to intervene or create a distraction? Give them specific instructions on when to notify the police.

Standard: Decide and plan for where you will go if you have to leave home (even if you don't think you will need to.)

This must be somewhere the abuser would not think to look. Do not take your car if at all possible, since he has access to methods of tracking it down.

Standard: Memorize all important phone numbers.

This is a good safety measure.

Safety when Preparing to Leave

Standard: Open a credit/debit account in your own name to start to establish or increase your independence. Consider direct deposit of your paycheck or benefit check. Think of other ways to increase your independence.

Abusers in law enforcement know how to track financial information and may have informants at your local financial centers. If at all possible, set aside cash rather than use savings/checking/debit accounts.

Standard: Leave money, an extra set of keys, copies of important documents and extra clothes with someone you trust so you can leave quickly.

Friends and close relatives are probably not your best choice. This should be someone who the abuser does not know or would not think of contacting. Ideally, this person would be someone whose name/number will not display on your phone, any bills, emails, or other standard means of communication.

Standard: Bring any medications, prescriptions, and glasses, hearing aids or other assistive devices you may need.

Your abuser may be hyper-vigilant in watching for signs that you are preparing to leave him. He may notice if items that you would take with you are missing from their normal place. Keep things as "normal" as possible. Again, his professional training makes him tuned in to details.

Standard: If you leave the relationship or are thinking of leaving, you should take important papers and documents with you to enable you to apply for benefits or take legal action. This includes Social Security cards and birth certificates for you and your children, documentation of legal residency, your marriage license, leases or deeds, your checkbook, your charge cards, bank statements and charge account statements, insurance policies, proof of income for you and your spouse, and any documentation of past incidents of abuse.

You may not have access to any of these documents because your abuser knows you will need them if you ever try to build a new life. Copies of these documents may not be legally accepted, but may help you with any authorities or advocates you contact.

Standard: Determine who would be able to let you stay with them or lend you some money.

Make sure this is someone the abuser would not think of.

Standard: Keep the domestic abuse program number close at hand and keep some change or a telephone calling card with you at all times for emergency phone calls.

Purchase a phone card or disposable cell phone rather than using your personal cell phone. Your abuser may have access to individual and electronic databases that can track telephone use.

Standard: If you are 60 years old or older, contact your local elder adult service agency to learn about eligibility for public and private benefits and services such as Social Security, pensions, housing, transportation and medical insurance.

If you are hiding, remember that accessing or even asking about public benefits will blaze a trail by which the abuser can find you.

Standard: Review your safety plan as often as possible in order to plan the safest way to leave your abuser.

Remember — *leaving can be the most dangerous time*. Do you think that your abuser will become obsessed with tracking you down if you "disappear?" If so, consider other options. Will you be safer if you stay more visible, either in the relationship or in your community?

SAFETY IN YOUR OWN HOME (IF THE ABUSER DOES NOT LIVE WITH YOU)

Standard: Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.

Replace wooden doors with steel or metal doors. Consider installing or increasing outside lighting with motion detectors. Consider cameras inside and outside the house. Install smoke detectors and purchase fire extinguishers. Remember that your abuser may know how to enter locked doors and windows. Consider installing locks that are especially difficult to open. Place obstructions in front of doors, windows, and any entry points (but make sure you can easily escape in case of a fire.)

Standard: If you have young children, grandchildren, or other dependents living with you, discuss a safety plan for when you are not with them and inform their school, day care, etc., about who has permission to pick them up.

This is a good safety measure.

Standard: Inform neighbors and your landlord that your abuser no longer lives with you and that they should call the police if they see your abuser near your home.

Will the local police take action against your abuser? Consider what else people might do if they see your abuser near your home.

SAFETY WITH A RESTRAINING ORDER/ORDER FOR PROTECTION

Standard: Keep your protective order with you at all times. (When you change your purse, this should be the first thing that goes into it.) If it is lost or destroyed, you can get another copy from the County Court office.

Will the local police enforce an order against your abuser?

Standard: Call the police if your abuser violates the conditions of the restraining order. Learn what violations of the order require officers to arrest the abuser.

You may have to demand that the responding officers call a supervisor.

Standard: Think of alternative ways to keep safe in case the police do not respond right away.

Think of what you will do if the responding officers refuse to take any action.

Standard: Inform family, friends, teachers, and neighbors that you have a restraining order in effect.

This is a good safety measure.

SAFETY IN PUBLIC (SCHOOL, WORK, SOCIAL, RECREATIONAL, OR VOLUNTEER ACTIVITIES)

Standard: Plan how to get away if confronted by an abusive partner.

This may be more difficult with a police officer abuser since he is trained to prevent people from getting away from him in a confrontation.

Standard: Decide whom you will inform of your situation. This could include your school, work location, or residence security (provide a picture of your abuser if possible.)

Alert them that he is a police officer and may use his professional status or other police officers to gain access to you or your children. He may appear in uniform to mislead or intimidate them.

Standard: Change your phone number.

This remedy may be ineffective because police officers can easily get phone numbers.

Standard: Screen calls; arrange to have someone screen your telephone calls, if possible.

This is a good safety measure.

Standard: Save and document all contacts, messages, injuries or other incidents involving the batterer.

Your abuser is probably smart enough not to leave this type of evidence, or will word messages ambiguously/vaguely to create confusion or doubt as to intent; save and document them anyway. Taken together, they may provide useful evidence of stalking behavior or other abusive tactics.

Standard: Devise a safety plan for when you are out in public. Have someone escort you to your car, bus, or taxi. If possible, use a variety of routes to go home. Think about what you would do if something happened while going home.

Civilian escorts may be afraid that they cannot protect you or themselves from a police officer.

YOUR SAFETY AND EMOTIONAL HEALTH

Standard: If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.

This is a good safety measure.

Standard: If you have to communicate with your abuser, arrange to do so in a way that makes you feel safer, whether by phone, mail, e-mail, in the company of another person, through an attorney, etc.

Be very aware of what you say to the abuser as he may record and save any communication with you.

Standard: If you have to meet your partner, do it in a public place.

This is a good safety measure.

Standard: Decide who you can call to talk to freely and openly, and who can give you the support you need.

Remember that no electronic communication is secure. Your abuser may be able to track your cell phone use, any email accounts, social media, etc.

Standard: Plan to attend a victims' support group to learn more about yourself and abusive relationships, and to gain support from others in similar situations.

It might be safer to attend a group that meets away from your immediate area. However, few advocates are familiar with police-perpetrated domestic violence and may not understand your unique situation.

Standard: Call a shelter for battered women.

It may be somewhat difficult for you to find a shelter that is equipped or willing to shelter you and your family since they work closely with the police.

Standard: Avoid staying alone.

This is a good safety measure.

Standard: Vary your routine.

This is a good safety measure.