

BRISTOL CT POLICE DEPARTMENT

TYPE OF DIRECTIVE: General Order	SUBJECT: Family Violence Response	EFFECTIVE DATE: 2/24/2020	
ISSUING AUTHORITY: Chief Brian Gould <i>Brian Gould</i>	POLICY NUMBER: 4.01	RESCINDS: N.A.	
DISTRIBUTION: All Sworn Personnel	REISSUE DATE: 12/14/2020	# OF PAGES: 6	
POSTC ACCREDITATION STANDARD: 1.7.13, 1.10.7			

PURPOSE: To ensure the Bristol Police Department's response to crimes of family violence meets the standards in the POSTC model policy. Also, to adopt procedures specific to the operations of the Bristol Police Department in regards to family violence crimes.

POLICY: To provide uniform and effective procedures for the investigation of family violence crimes that are consistent with Connecticut State Statutes and the POSTC model policy. The Bristol Police Department recognizes that family violence is a crime and must be treated as such.

The Bristol Police Department has adopted the POSTC model policy Police Response to Crimes of Family Violence as the core of its family violence response policy. The model policy is available on the shared network drive in the General Orders folder, within Power DMS and at the POSTC website.

Protective and Restraining orders are entered into the in-house computer system and then filed in the 24/7 Communications Division. Officers have 24/7 access to the Protective / Restraining orders files through the COLLECT system, through the in-house computer system, and by contacting the Communications Division.

REFERENCES:

- CGS 46b-38a through 46b-38d.
- POSTC **Police Response to Crimes of Family Violence**
- POSTC General Notice 10-1 / Non-immigrant visa procedures
- CT Law Enforcement Officers Field Manual

PROCEDURES:

Understanding the response process: The basis for the response to crimes of family violence originates in the applicable Connecticut State Statutes. These same statutes mandate a statewide policy to ensure a uniform and thorough response by all Connecticut law enforcement agencies. In late 2013 POSTC published the Model Policy which all Connecticut law enforcement agencies are mandated to follow. (The policy has been updated periodically)

When faced with the task of investigating a crime of family violence, Officers must ensure compliance with the Connecticut state statutes that set specific response requirements. Additional response requirements are also found in the model policy. The BPD Family Violence Response policy will provide additional internal requirements. Lastly, the Law Enforcement Officers Field Manual is available as a resource. It is important to note that the State Statutes and Model Policy will supersede information within the Field Manual.

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Additional Procedures

- Officers will respond to all reported domestic disputes in a safe, yet expeditious manner.
- Domestic disputes should be regarded as high risk situations that present the possibility of violence to those involved in the dispute and to the responding officers.
- The priorities of the responding officers will be the security of the scene and rendering first aid to injured victims.
- Written incident reports are required for all domestic disputes whether or not there is an arrest; this requirement includes those disputes that are verbal only.
- Investigation of family violence crimes shall be completed as soon as practicable. Efforts must be made to exhaust all investigative leads, determine if probable cause exists, and if so, arrest on scene. In those cases where the suspect is not located within the terms of speedy information, the officer must complete the arrest warrant affidavit promptly. Due to the seriousness of family violence incidents, delays in the investigation or reporting of family violence crimes must be minimized and justified.
- The Bristol Police Department has designated the Records Division Commander as the “Nonimmigrant Visa” facilitator. Victims within this classification can be referred accordingly.
- Supervisors will monitor family violence investigations to ensure reports are completed in a timely manner and without undue delay.
- To ensure family violence reports are processed expeditiously, shift commanders will separate family violence reports from other reports and will ensure that all family violence reports or warrant applications are marked with the red inked “Family Violence” stamp. This procedure will alert all other BPD divisions and outside agencies so that appropriate measures can be taken to expedite the process. Records Division staff will prioritize those reports for referral to court and other applicable agencies.
- Safety plans need to be documented in the officer’s report.
- Family Violence Arraignments – refer to CGS 54-1g.

Victim Assistance - Officers are required to familiarize themselves with resources available to victims and must provide assistance in obtaining services when the need is apparent. The Field Manual has a section on Victim Services, and the Bristol Police Department has identified the following additional resources:

Info Line	211	Community Shelter	(860) 589-0702
Bristol Health	(860) 589-3000	Bristol Youth Services	(860) 584-7995
Prudence Crandall (24 hrs)	888-774-2900	Rape Crisis Services (24 hours)	(860) 223-1787
Wheeler Clinic Help Line	(860) 793-3500	Criminal Injuries Compensation Board	(860) 566-4156

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CONDITIONS OF RELEASE:

CGS 54-63c (Release by Law Enforcement Officer) allows for non-financial conditions of release of persons arrested for family violence crimes. The statute is summarized in the Field manual and is facilitated by using form JD-CR-146. Shift Commanders are responsible to ensure that all Conditions of Release are entered into COLLECT as soon as practicable and that the teletype printout is attached to the case file.

RESTRICTED USE OF VICTIMS NAME (rev. July 2015)

Effective July 1, 2015 Connecticut General Statute 54-86e has been modified to require the following:

The name and address of the victim of family violence, as defined in section 46b-38a, shall be confidential and shall be disclosed only upon order of the Superior Court.

The Bristol Police Department will ensure that such information is not disclosed in violation of the statutory requirements. Additionally, it will be the policy of the Bristol Police Department not to include the name and address of family violence victims within the narrative portion of arrest warrant affidavits and arrest incident reports.

PROTOCOL FOR THE TRANSFER, DELIVERY OR SURRENDER OF PISTOLS, REVOLVERS, OTHER FIREARMS AND AMMUNITION (rev. Oct 2016)

Seizure at time of arrest: *CGS 46b-38b states Officers effecting a family violence arrest may seize any firearm, electronic defense weapon, or ammunition at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view.*

Officers are encouraged to seize such items and complete the State of CT "surrender" and "compliance" forms at the time of arrest. Officers can advise the arrestee that any seized items can be returned under the following circumstances:

1. not later than 7 days if there are no court orders and the arrestee is not otherwise ineligible;
2. when all court orders are no longer in effect and the arrestee is not otherwise ineligible.

Seizure upon issuance of an order: Upon receiving notice of the service of a protective, restraining or ex parte restraining order or foreign order of protection against a subject included in the Special Licensing and Weapons Registry System (SLWRS). The Special Licensing and Firearms Unit (SLFU) shall notify the subject via certified mail of the following:

- A. He / she is ineligible to possess firearms and / or ammunition
- B. He / she is ineligible to hold a permit to carry pistols or revolvers or an eligibility certificate for the purchase of pistols, revolvers, long guns, or ammunition or
- C. He / she is required to;
 - 1) Sell any possessed firearms or ammunition to a Federal Firearms licensee (FFL) or
 - 2) Surrender the firearms or ammunition to a State Police Troop or local police department.

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Upon receiving notice of the service of a protective, restraining or *ex parte* restraining order or foreign order of protection against a subject included in the SLWRS, the SLFU will advise the BPD of those Bristol residents who are ineligible to possess firearms or ammunition as a result of such order. (Note: the advisory is assigned to the city/town of residence of the subject of the order, not the town of the offense) This notification will include copies of the letters provided to the subject and a list of the known firearms registered to that person.

Immediately but in no event more than twenty-four (24) hours after notice has been provided to a subject of a protective, restraining or *ex parte* restraining order or foreign order of protection, such person shall:

1. Transfer all firearms and ammunition to a FFL in accordance with CT Gen. Stat. §§ 29-33 and 29-37a. A BPD employee will be assigned to follow up with the subject of the order to obtain proof of the transfer and a Firearms and Ammunition Compliance Statement from the subject indicating they are aware they are ineligible to possess, and are currently not in possession of, any firearms or ammunition, and will seize the subject's permit or eligibility certificate. (Transfer to family or friends is not an option) The BPD employee conducting this follow up will forward (fax, mail, email) documentation of compliance and any seized permits or certificates to SLFU, or,
2. Surrender all firearms and ammunition to a State Police troop (other than DESPP HQ) or a local PD. (Transfer to family or friends is not an option) The BPD employee receiving /ammunition will obtain a Firearms and Ammunition Compliance Statement from the subject indicating they are aware they are ineligible to possess, and are currently not in possession of, any firearms or ammunition, and will seize the subject's permit or eligibility certificate (if applicable). The BPD employee receiving the firearms / ammunition will forward (fax, mail, email) such documentation of compliance and any seized permits or certificates to SLFU.

The subject is considered “in compliance” when such person has completed Section “C” above and has provided a sworn Firearms and Ammunition Compliance Statement form or otherwise provided a sworn statement that addresses the terms of the Compliance form.

The SLFU will track the subject's compliance as it pertains to the order. If evidence of compliance is not obtained, SLFU will resend notice to the BPD of the subject's failure to comply, and the BPD will ensure compliance and forward evidence thereof to SLFU.

Any subject who fails to transfer, deliver or surrender any firearms or ammunition shall be subject to the penalty provided under CT. Gen. Stat. § 53a-217.

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The BPD will investigate when it receives information questioning a person's compliance with orders related to their eligibility to possess firearms. Any such information will be forwarded to the OIC for review and possible assignment on that shift. The OIC will review the information to determine if BPD follow up is warranted and will assign accordingly.

Those assigned to investigate will utilize sound investigative practices to ensure a thorough and timely investigation. Due to the potential risks involved in these types of cases supervisors will monitor the progress to ensure there are no delays. The investigator must first verify the validity of the allegation by interviewing the complainant and others who may have information. An incident report and a sworn Firearms and Ammunition Compliance Statement form (when applicable) will be required for these investigations.

DUAL COMPLAINTS / PC: *(see model policy / statute for details)*

When complaints of family violence are made by two or more opposing persons, an officer is not required to arrest both persons. An officer shall evaluate each complaint separately to determine which person is the dominant aggressor.

In determining which person is the dominant aggressor,

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

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

STAND-BY PROPERTY REMOVAL:

When an order of protection allows for the respondent/defendant to return to the dwelling one time accompanied by an officer to retrieve belongings (Stand-by Property Removal) the protected party must have prior notice by the department and must agree to the timing of the retrieval. In order to facilitate the scheduling with the victim all respondent/defendants will be advised to respond to the Bristol Police Department.

The Front Desk Officer will be assigned to this Call for Service. The FD officer will adhere to the **Domestic Violence Personal Property Retrieval** section of the Connecticut Statewide Model Policy (page 24) concerning Family Violence (conducting the necessary verification checks, ensuring that the retrieval has not already been completed by another officer, contacting the protected party to arrange a time for the retrieval, etc.).

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- If the victim agrees to conduct the stand-by at the time, the appropriate Zone Officer will be assigned to take over this Call for Service. At no time shall the respondent/defendant be allowed to make contact with the protected person until the officer(s) is on scene. The Zone Officer will document his/her actions in an Incident Report titled "Stand-by Property Removal".
- If the victim does not agree to conduct the stand-by at the time or if children are present the retrieval should be scheduled for a later date/time. The FD Officer will:
Make an effort to schedule a date/time for the Stand-By. The officer will advise both parties that the scheduled Stand-By will be contingent on the availability of officers at that time. The FD Officer will provide the respondent/defendant with the C.F.S. # and inform him/her to return to the Bristol Police Department for the scheduled date/time. The FD Officer will complete an Incident Report detailing his/her actions.

A different date/time may mean that a different officer is involved. The "new" FD Officer will follow the same procedures as above. The FD Officer or Zone Officer (if the retrieval occurs) will supplement the original "Stand-by Property Removal" report detailing his/her actions.

This change in procedure is in compliance with the Connecticut Statewide Model Policy pertaining to Family Violence. Supervisors will be required to closely monitor each situation to ensure procedures are followed correctly. As with any new policy/procedure certain adjustments may be necessary. If you should encounter an issue please forward the concern so that it can be evaluated.

ADMINISTRATIVE ORGANIZATION:

The Training Division Commander is the Bristol Police Department's family violence liaison. In that capacity, the TDC will maintain contact with the Connecticut Coalition Against Domestic Violence.

The TDC will submit DESPP 231-C to the DESPP Crime Analysis Unit annually by July 1st of each year.

Bureau/Division/Shift Commanders shall ensure that all members of their command are thoroughly familiar with, and understand the contents of this order.

rev. July 10, 2015 – Restricted use of victims name

rev. Oct 1, 2016 – Updated language re: firearms revocation process.

rev. May 2018 – Updated State Model Policy

rev. Jan 2019 - Added updated State Model Policy – dated 12/2018

rev Feb 2019- Added Stand-by Property Removal

rev. Feb 2020- Added updated State Model Policy- dated 12/2019