

FAIRFIELD POLICE DEPARTMENT : POLICY AND PROCEDURE MANUAL		
CHAPTER:6.0	SUBJECT: Investigations	
SECTION: 6.3	SUBJECT: Family Violence Crimes	
EFFECTIVE DATE: September 13, 2016		DATE WRITTEN:
SUPERSEDES: All Previous Family Violence Policies		
DISTRIBUTION: All Police Personnel		PAGE: 1 OF 23

6.3.1 Purpose

The purpose of this policy is to establish proper procedures for members of the Fairfield Police Department to follow when investigating family violence complaints in accordance with requirements set forth in the Connecticut General Statute §46b-38a(3)(2013) and consistent with the model policy created by POST.

6.3.2 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 shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

“Family violence crime” means a crime as defined in [section 53a-24](#), other than a delinquent act as defined in [section 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.

“Family or household member” means any of the following persons regardless of the age:

- spouses or former spouses;
- parents or their children;
- persons related by blood or marriage;
- persons other than those persons described above that presently reside together or who have ever resided together;
- persons who have a child in common regardless of whether they are or have been married or have lived together at any time;
- persons in, or who have recently been in, a dating relationship.

“Safety Plan” is a plan developed between an advocate/counselor or a police officer and a victim that contains specific activities for a victim to be safe from an offender. Safety planning is an essential step to be completed with all adult survivors of domestic violence. It allows individualized planning for situations the survivor and children or family may encounter regardless of what the survivor decides to do about the relationship with the abuser. Age appropriate safety planning is also important for child survivors/witnesses of domestic violence.

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Supervisors

- Conduct a probable cause review at the scene (when necessary) and/or at booking and review all arrests, dual arrest situations, and self-defense issues.
- Ensure that all reports are properly completed, filed, and forwarded.
- Ensure that follow-up investigative responsibilities and victim safety and offender release considerations are coordinated to allow for shift changes and/or referral to specialized units.
- Expedite the arrest warrant execution upon approval from the court.
- Be aware that under CGS 54-63 c(a), any offender arrested who uses or threatens to use a firearm cannot be released on a promise to appear in violation of CGS 54-63c(a).
- It is highly recommended that in domestic violence incidents or investigations of order of protection violations that officers not notify the alleged offender of a pending arrest or offer voluntary surrender. Voluntary surrender should only be offered where there are concerns for officer safety, concern for victim safety or unusual circumstances that would warrant the voluntary surrender.
- 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.
- Conditions of release for family violence should be set by the shift commander or the bail commissioner. The shift commander should enter a File 20 into NCIC, with restrictions.
- 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 to override the Bail Commissioner's recommendation until the arraignment.

6.3.4 Medical Assistance

Officers arriving at the scene of Family Violence situations shall assist all parties in obtaining medical assistance. If an injured party not in custody refuses medical assistance, the officer shall:

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- Suggest the injured party seek medical attention as soon as possible.
- Note the refusal in his/her report.
- In cases of reported strangulation, the party will be examined by ambulance personnel.

6.3.5 General Considerations

- 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 or persons suspected of its commission and charge such person or persons with the appropriate crime(s).
- The FVPRA does not alter standards for arrest. 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.
- Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether probable cause to arrest exists.
- When two or more parties make complaints of violence, the officer should consider whether either party acted in self-defense.
- Notwithstanding the provisions of CGS §46b-38b(a), when a police officer reasonably believes that a party in an incident of family violence has used force as a means of self-defense, such officer is not required to arrest such party under this section.
- 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.
- 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.