



Police Response To Crimes of Family Violence

Model Policies, Procedures and Guidelines

**Revised to include all amendments through
June, 2006 and PA 07-78 & 07-123**

Contributing Agencies

Office of the Chief State's Attorney
Police Officer Standards and Training Council
Connecticut Coalition Against Domestic Violence

September 2001
(Revised 2/6/02)
(Revised 12/12/06)



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FOREWORD

The Police Officer Standards and Training Council, the Office of the Chief State's Attorney and the Connecticut Coalition Against Domestic Violence, Inc. have jointly prepared this model policy. It is designed to provide police professionals with model guidelines, policies and procedures for dealing with crimes associated with family violence.

The Family Violence Prevention and Response Act (FVPRA) originally enacted in 1986, and amended in 1987, 1988, 1989, 1991, 1992, 1993, 1994, 1996 1999 and 2001, represents a national model of cooperation among the multiple agencies, organizations and individuals who come in contact with family violence. The law is very specific regarding the responsibilities of police officers in handling family violence cases. This model policy and procedure is designed to assist individual police organizations in developing departmental policies and procedures.

ACKNOWLEDGMENTS

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PURPOSE

It is the purpose of this policy to establish a uniform procedure for the response to and investigation of family violence complaints and to reaffirm the officer's responsibility for making arrest decisions in such cases in accordance with traditional probable cause standards, existing state statutes and the Family Violence Prevention and Response Act.

MODEL POLICY

It is the policy of this agency that family violence be treated as 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;

- 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”);
- promote officer safety when dealing with family violence situations.

FAMILY VIOLENCE, FAMILY VIOLENCE CRIME AND FAMILY OR HOUSEHOLD MEMBER DEFINED

"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 between family or household members and dating couples. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur. [CGS §46b-38a(1)]

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

"Family or household member" means:

- spouses and former spouses;
- parents and their children;
- persons eighteen years of age or older related by blood or marriage*;

*Reference to "related by blood or marriage includes" but is not limited to: adult sibling; cousin; aunt; uncle; brother-in-law; sister-in-law; mother-in-law; or father-in-law.

- persons sixteen years of age or older not related by blood or marriage who presently are residing together or who have 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; and
- persons in, or who recently have been in, a dating relationship.** [CGS §46b-38a(2)]

****Dating relationship is not specifically defined as to its nature, duration or time of involvement. NOTE: Officers are not mandated to make an arrest when the parties are or have been in a dating relationship (as they are in the other categories of "family or household member"). [CGS §46b-38b(a)] However, if an arrest is made, the FVPRA and all related family violence statutes, procedures and guidelines will apply.**

RECOMMENDED RESPONSE PROCEDURES

Telecommunication Personnel

- When taking a call for service attempt to obtain, record and relay to the responding officer(s) the following information:
- the caller's name and relationship to the offender;
- the caller's call-back telephone number;
- the nature of the abuse, suspected or sustained injuries;
- weapon(s) / firearms suspected or used – any at location / anyone with access or possession of them
- the location of the incident;
- the current location of the victim and the alleged offender (if offender is not present a description and possible whereabouts);
- the victim's name and the offender's name, and their relationship to each other;
- previous complaint history;
- whether the victim has a current *Protective Order, Restraining Order, Condition of Release Order and/or Standing Criminal Restraining Order*;
- whether the offender is subject to a court ordered condition of release that s/he have “no contact with the victim” or that s/he “not use or possess a dangerous weapon.”
- Check the Connecticut Protection Order Registry – File 20
- If department has received a copy of a *Standing Criminal Restraining Order* or a *Condition of Release* that the offender have “no contact with the victim” or “not to use or possess dangerous weapons, information regarding such orders should be relayed to the responding officer.
- Assess the situation with reasonable judgment and dispatch the necessary unit(s) for appropriate police and/or EMS response.
- Log time(s) of police/EMS dispatch, arrival and clearance for every call.
- Has CGS 53a-183b (PA-03-43) Interference with an Emergency Call been violated

Responding Officer

- Respond to and investigate complaints of family violence in a safe and expeditious manner.
- Regard all such calls as potentially "high risk."
- Approach any family violence situation with caution. When it is practical and can safely be done, briefly listen at the door and/or observe the involved parties through a window prior to entry: this may assist in the determination of the existence of probable cause for arrest.
- Apply forced entry criteria when necessary. Officers should be trained to determine those circumstances in which emergency entrance is required, e.g., felony crime in progress, emergency care needed [CGS §52-557b].
- Determine who is present in the household. Ask all present to come forward.
- Assess and define the nature of the incident by talking to parties separately and not in view of one another
- Provide emergency care and intervention to defuse and stabilize the immediate situation.
- Determine whether any weapons are present, for safety issues as well as to make seizure decisions for the following:
 - use or threatened use in a family violence crime;
 - in plain view or in the possession of an offender who is **arrested or a suspect** for a family violence crime [CGS §46b-38b(a)]; Review PA 02-120
 - illegal possession or as evidence of any crime.
- Whenever possible, **seize weapons as "Evidence."**
- Determine whether the offender is the subject of any *Restraining Orders, Protective Orders, Standing Criminal Restraining Orders or Conditions of Release* that include "no contact with the victim" or "no use or possession of dangerous weapons."
- Identify the relationship between the victim(s) and the accused to determine family and/or household member status.
- Determine whether children are present and complete the following if necessary:
 - ascertain that they are safe and unhurt;
- interview children as witnesses according to circumstances and department policy;

- make arrangements for their care if dual custodial arrests are made;
- if child abuse is suspected, report to DCF by phone and complete form DCF-136. [CGS §17a-101(c)]
 - Assist the victim(s) in obtaining medical treatment, if needed. [CGS §46b-38b(d)]
 - Obtain a signed, written statement or a taped statement from the victim.
 - Carefully document the condition of the scene **(including diagrams if appropriate)**, any evidence present, witnesses and any other relevant information in the report.
 - Identify, collect and preserve all evidence of the crime(s).
 - When possible, photograph the scene and any visible injuries on the victim – digital cameras
 - Identify all applicable penal code violation(s), including Violations of a Protective Order, Restraining Orders, Standing Criminal Restraining Order or Condition of Release, and record facts of violence & threat of violence.
 - Determine whether probable cause exists for each penal code violation that will be charged, including all companion charges.
 - Determine if Self-Defense exists (CGS 46b-38b)
 - Make an arrest decision. Depending on the circumstances, a full custodial arrest or misdemeanor summons arrest may be made, or, in limited situations, an arrest warrant may be sought.
 - If a custodial arrest is not made, remain at the scene until in the reasonable judgment of the officer the likelihood of further imminent violence has been eliminated. [CGS §46b-38b(d)]
 - Notify the victim(s) of her/his right to file an affidavit or warrant for arrest. [CGS §46b-38b(d)]
 - Give the victim(s) a “Victim of Crime Card” containing information about victims' rights and phone numbers for services. [CGS §46b-38b(d)]
 - Before leaving the scene, help the victim to develop a short-term safety plan which may include:
 - planning what to do next;
 - calling a friend, family member or Advocate for support and/or accompaniment;
 - going to a safe place for the night (e.g., family, friends, and shelter).

- Explain to the victim the process for arrest, arraignment and bond, including the following:
- the offender might **NOT** be held overnight, and may be released within hours of the arrest;
- the offender will be arraigned the following court day;
- prior to arraignment, the victim can meet with or call a family violence victim advocate (FVVA) whose phone number is listed on the "Victim of Crime Card" under *Domestic Violence Programs*;
- the FVVA will provide the victim with accurate information regarding the court process. The FVVA will represent the victim's wishes* to the Family Relations Officer (FRO)**, will provide information and referrals regarding available community services, and will help the victim develop a long-term safety plan. (*The FVVA will only disclose information as allowed by the victim - otherwise any information given by the victim to the FVVA is confidential.) (**Any information provided to the FRO is confidential except that if the victim has indicated that the offender holds a permit to carry a pistol or revolver or possesses any firearms, the FRO **must** disclose that information to the court and prosecutor.)
- **Maintain adequate radio contact with telecommunicators.**
- **If firearms were seized, promptly notify the state's attorney so that appropriate court orders regarding custody of the firearms can be requested and issued.**
- **Upon the arrest of any family violence offender who uses or threatens to use a firearm, promptly notify the booking officer and the bail commissioner to ensure that the offender is not released on a promise to appear in violation of CGS §54-63c(a).**
- When an officer feels that a recorded **911 call** or any recorded call for police response will enhance an investigation, s/he should request, pursuant to department policies, that the recorded call be preserved.
- Complete, file and forward to the appropriate agencies a Family Violence Offense Report, **DPS-230-C revised August, 2004**
- Report suspected abuse of any person with mental retardation who is between the ages of 18 and 60 to the Abuse Investigation Division of the Office of Protection and Advocacy by phone and form PA-6. [CGS §46a-11b]
- Report suspected abuse, neglect, exploitation or abandonment of any elderly person by phone to the regional ombudsman and on form W-675 to the Department of Aging. [CGS §17b-451]
- If unsure how to proceed in any situation, seek guidance from the supervisor.

Supervisor

- Conduct a probable cause review at the scene (when necessary) and/or at booking.
- Ensure that all reports, including the **DPS-230-C revised August, 2004**, are properly completed, filed and forwarded.
- Ensure that follow-up investigative responsibilities are coordinated to allow for shift changes and/or referral to specialized units.
- Review any weapon issues, including seizures, to ensure compliance with department rules and state and federal laws and guidelines. **If firearms were seized, ensure the prompt notification of the state's attorney so that appropriate court orders regarding their custody can be requested and issued.**
- **Review all arrests, dual arrest situations and the self defense issues.**

ARREST GUIDELINES

General Considerations

- Whenever an officer determines upon speedy information that a family violence crime, as defined in CGS §46b-38a(3), except a family violence crime involving a dating relationship, 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). [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.**
- All crimes for which probable cause exists should be charged.
- 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. **CGS §46b-38b(b), as amended by PA 04-66 amended to consider self defense.**
- 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.
- **Officers are prohibited from releasing on a written promise to appear or the posting of a bond without surety any person charged with a family violence crime that involved the use or threatened use of a firearm. [CGS §54-63c(a)]**

Prohibited Considerations

- The decision whether to arrest ***should not*** be influenced by the following:
- *the specific consent or request of the victim.*[CGS §46b-38b(a)]
- *the relationship of the parties.* [CGS §46b-38b(a)] The seriousness of crimes committed between family or household members is not mitigated because of the relationships, living arrangements or genders of those involved.

- *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, which time 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 increases over time and escalates 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.

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 precinct 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.

Probable Cause Determinations

- Probable cause to arrest exists when the facts and circumstances within the arresting officers' knowledge and of which they have reasonable trustworthy information are sufficient to warrant a person of reasonable caution to believe that an offense has been or is being committed by the person to be arrested.
- Probable cause determinations require weighing probabilities; thus, certainty is not required. A probable cause determination is based on the totality of circumstances and cannot be supported by a victim's statement alone. Probable cause should be based on a practical evaluation of the facts after a careful and thorough investigation of the incident.
- Officers may use their training and experience, senses, and powers of observation in weighing the facts. They also may draw reasonable inferences from the facts as they find them. The collective knowledge at the time of the arrest of the law enforcement organization, not just the personal knowledge of the arresting officer, may be considered.
- **Officers are not justified in arresting a person where probable cause is lacking or where they merely suspect that a person might commit a crime in the future. However, an officer must remain at the scene until, in the reasonable judgment of the officer, the likelihood of imminent violence has been eliminated. [CGS §46b-38b(d)]**

Warrantless (On-Site) Arrest Considerations

- Connecticut General Statutes section 54-1f authorizes an officer to arrest, without previous complaint and warrant, any person for any offense (felony or misdemeanor) that occurred within his/her precinct, 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, even if that person is a victim.)

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;
- when the offender cannot be located pursuant to speedy information;
- for a misdemeanor arrest when there is no speedy information;
- for a felony arrest when there is no speedy information, unless there is a concern for safety and/or flight.
- 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, an officer should expedite the issuance and 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 & at the next day court presentation

Charging Options

- All crimes for which probable cause exists should be charged. Some examples of relevant charges include:
- Breach of Peace [CGS §53a-181]
- Disorderly Conduct [CGS §53a-182]
- Harassment [CGS §53a-182b and §53a-183]
- Assault [CGS §53a-59 through §53a-61a]*
(* CGS §§53a-59a, 60b, 60c and 61a now include elderly, blind, disabled, pregnant or mentally retarded persons.)
- Stalking [CGS §53a-181c, §53a-181d and §53a-181e]
- Sexual Assault [CGS §53a-65 through §53a-73a]
- Threatening [CGS §53a-62]
- Intimidating a Witness [CGS §53a-151a]
- Criminal Violation of a Protective Order [CGS §53a-223]

- Violation of a Retraining Order [CGS §53a-223b]
- Criminal Violation of a Standing Criminal Restraining Order [CGS §53a-223a]
- Violation of Conditions of Release [CGS §53a-222]
- Criminal Trespass [CGS §53a-107 and §53a-108]
- Criminal Mischief [CGS §53-117]
- Kidnapping and/or Unlawful Restraint [CGS §53a-91 through §53a-96]
- Risk of Injury to a Minor [CGS §53-21]
- Cruelty to Persons [CGS §53-20]
- Robbery [CGS §53a-133 through §53a-136a]
- Arson or Reckless Burning [CGS §53a-111 through §53a-114]
- Criminal Possession of a Firearm or Electronic Defense Weapon [CGS §53a-217]
- Criminal Possession of a Pistol or Revolver [CGS §53a-217c]
- Carrying a Pistol or Revolver without a Permit [CGS §29-35]
- Failure to Surrender Permit to Carry a Pistol or Revolver [CGS §29-32]
- Unlawful Discharge of Firearms [CGS §53-203]
- Reckless Endangerment [CGS §53a-63 and §53a-64]
- Burglary [CGS §53a-100 through §53a-103a]
- Homicide [CGS §53a-54a through CGS §53a-58]
- Refer to the section on Federal Domestic Violence Laws (page 30) for information regarding federal family violence offenses and procedures for making referrals for federal prosecutions.

Review the following Public Acts:

PA 03-43 Interference with Emergency Calls
 PA 03-98 Full Faith & Credit of Foreign Orders
 PA 03-111 Broadcaster's liability with AMBER Alert
 PA 03-173 Police required to check NCIC
 PA 03-200 Victim's Address Confidentiality

PA 03-208 Animal Cruelty
 PA 03-267 Elder Abuse –Mandate reporters
 PA 04-66 Dual Arrest & Self Defense
 PA 05-147 Orders of Protection
 PA 05-169 Crime Victims – Statements – Victim Right's Card

Dual Complaints and Self-Defense

- In family violence situations, it is not unusual for victims of family violence to defend themselves from abusive partners. It also is not unusual for offenders to claim that they were acting in self-defense in an effort to justify their violent or threatening acts or to attempt to punish the victim for summoning law enforcement.
- The FVPRA requires that "where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately." [CGS §46b-38b(b)] 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(b)]
- **Dual arrests should be made only when probable cause exists to charge each party with a crime.** 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, if any, 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.
- Determining whether or not a person is criminally liable when allegedly acting in self-defense is a complex legal issue. **An officer who has reason to believe that a person may have acted in self-defense must thoroughly investigate such claim. The claim and any supporting information or evidence pertaining to such claim should also be thoroughly documented in the report. Review 46b-38b(b) as amended by PA 04-66.**
- If an officer is unsure how to proceed in a situation involving self-defense or dual complaints, the officer should contact a supervisor and/or state's attorney.

ORDERS OF PROTECTION

- 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 Protection 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)
 - Protective Order (PO)
 - Standing Criminal Restraining Order (SCRO)
 - Conditions of Release (COR) (that include “no contact with the victim” and “not to use or possess dangerous weapons.”)
 - 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**.
 - **Standard conditions** in a RO, PO, COR (CGS 53a-222) or SCRO 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;
 - **Special conditions** that a judge may order in a RO, PO, COR or SCRO 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.

- issues on use of drugs & alcohol and treatment
- When a judge issues an order enjoining the offender from entering his/her family dwelling, the offender likely will be advised that s/he may contact the police for a **one-time escort** to retrieve personal belongings. This police service includes:
 - escorting the offender for the purpose of preventing further disturbance, violence or damage to the belongings of the victim;
 - remaining on the scene with the offender for a reasonable time (e.g., 15 minutes) while the offender gathers only necessary belongings such as clothes, toiletries and essential work materials; and
- providing this escort service one time.
- A judge (pursuant to §54-64a) or a bail commissioner (pursuant to §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 s/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]

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.
- A victim may, for example, apply and have issued a RO by a civil court based on “a continuous threat of present physical pain or injury,” prior to any arrestable act by the offender. If the offender is subsequently arrested for a family violence crime, a criminal court may also issue a PO.
- Likewise, although a PO may be issued after an offender has been arrested, the PO can be modified or can end at any time and in all cases will end when the criminal case ends without notice to the victim. Additionally, POs generally do not include orders of temporary custody or visitation. Therefore, a victim with a PO may also want a RO to have renewable protection that will last for a definite period of time, and immediate, emergency orders about custody of or visitation with children.
- Offenders also may be subject to more than one of any type of order, with the same victim or different victims.
- In some cases, a judge may issue, as part of a criminal sentence, an SCRO which can remain in effect indefinitely, until modified or revoked by a judge. Although there likely would not also be a PO because the criminal case would have ended, the offender may still be subject to a RO.
- In situations where there are multiple orders, officers should document the existence of and issuance date of all orders in the report and may arrest for any and all arrestable violations of such orders.

Verification of an Order

Restraining Order (RO) and Protective Order (PO) – Violations are Felonies

- When an officer is advised that a RO and/or PO against the offender is in effect, the officer should attempt to verify that the order exists by any of the following methods:
- ask the victim to produce a copy of the order (the court should have provided a copy to the victim at time of or shortly after issuance, however, the victim may not have received a copy: also, a victim may not have requested or wanted a PO).
- check with the police department in the victim's town of residence (or, if different from the victim's, the offender's town of residence) to verify that a copy is on file. (The victim may also deliver or request to have delivered a copy to police headquarters in the town where s/he is employed.) **Check with the Connecticut Protection Order Registry – File 20**
- during business hours, contact the clerk of the court in the judicial district or geographic area where the order was issued.
- Ensure that both parties' names are on the order, and, if a RO, that the order has not yet expired.
- Refer to Appendix for a sample copy of a RO & PO.

Standing Criminal Restraining Order (SCRO)

- When an officer is advised that a SCRO against the offender is in effect, the officer should attempt to verify that the order exists by any of the following methods:
- ask the victim to produce a copy of the order (the court should have provided a copy to the victim at the time of or shortly after issuance, however, the victim may not have received a copy: also, a victim may not have requested or wanted a SCRO).
- check with the police department in the victim's town of residence (or, if different from the victim's, the offender's town of residence) to inquire whether a copy is on file. (An inquiry can also be made with the police department in the town where the victim is employed.) **Check with the Connecticut Protection Order Registry – File 20**
- during business hours, contact the clerk of the court in the judicial district or geographic area where the order was issued.
- Ensure that both parties' names are on the order.
- Refer to Appendix for a sample copy of a SCRO.

Condition of Release (COR): “No Contact with Victim”

- Unlike a RO, PO or SCRO, at the time of this publication, there is not a specific form used to document the existence of a COR of “*no contact with the victim.*” (There is, however, a specific charge for violation of a COR of “*no contact with the victim*” and “*not to use or possess dangerous weapons.*”) [CGS §53a-222]
- When a judge issues a COR of “*no contact with the victim,*” the clerk will write the COR on the “Information” sheet in the offender’s court file. A copy of the “Information” with such notation may serve as verification. (Refer to Appendix for a sample copy of a judge’s COR order.)
- When a bail commissioner issues a COR of “*no contact with the victim,*” the COR will be written in the “PTA” or “bond” sheet in the offender’s court file. A copy of the “Information” with such notation may serve as verification. (Refer to Appendix for a sample copy of a bail commissioner’s COR order.)
- When an officer is advised that a COR of “no contact” is in effect, the officer should attempt to verify that the order exists by any of the following methods:
 - ask the victim to produce a certified copy of the order (although the court does not automatically send documentation of the order to the victim, the victim may request a certified copy of the clerk’s record of such order from the clerk’s office where the case is pending).
 - during business hours, contact the clerk of the court in the judicial district or geographic area where the order was issued (the state’s attorney’s office handling the case should also have a record of the COR).
 - contact a bail commissioner, who may have released the offender following arrest with a “no contact” COR.
- **Check with the Connecticut Protection Order Registry – File 20**

Charging for Violation of an Order

Restraining Order (RO)

- **It is a felony for violation of a RO: 53a-223b amended by PA 05-147**
- if in the course of violating a RO a person commits any other crime(s) (e.g., burglary, threatening, breach of peace, assault, etc.) that person should be arrested for any other appropriate crime(s). The fact that the person was at the time also violating a RO should be included in the report.
- An officer also should inform the victim that s/he may file a motion for contempt in the court where the RO was issued.

Protective Order (PO)

- A person who is subject to a PO issued pursuant to §46b-38c(e) (family violence), §54-1k (stalking) or §54-82r (witness protection) who violates any of the conditions included in the order, **including a “no contact” condition**, should be arrested for Violation of a Protective Order. [CGS §53a-223] - **Felony**
- If in the course of violating a PO a person commits any other crime (e.g., burglary, threatening, intimidating a witness, assault, etc.) that person should be arrested for any other appropriate crime(s).

Standing Criminal Restraining Order (SCRO)

- A person who is subject to a SCRO issued pursuant to §53a-40e who violates any of the conditions included in the order, **including a “no contact” condition**, should be arrested for Violation of a Standing Criminal Restraining Order. [CGS §53a-223a]
- Violation of a SCRO is a felony charge.
- If in the course of violating a SCRO a person commits any other crime (e.g., burglary, threatening, breach of peace, assault, etc.), that person should be arrested for any other appropriate crime(s).

Condition of Release of “No Contact” With the Victim (COR)

- A person previously charged with the commission of a felony, misdemeanor or motor vehicle violation for which a sentence to a term of imprisonment may be imposed, who is released pursuant to §54-63d (by a bail commissioner) or §54-64a (by a judge) on a condition that s/he have *“no contact with the victim,”* who intentionally violates that condition should be arrested for Violation of a Condition of Release. [CGS §53a-222]
- If in the course of violating a COR a person commits any other crime (e.g., threatening, intimidating a witness, assault, etc.) that person should be arrested for any other appropriate crime(s).

Enforcement of Foreign Jurisdiction Orders of Protection

- Federal law 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. (Refer to Appendix regarding Federal Domestic Violence Laws on Full Faith and Credit.)

- CGS §46b-15a provides a mechanism by which a victim may register in a Connecticut court an *order of protection* from another jurisdiction. The victim must provide the following to the Connecticut court: - **However, Foreign Orders need not be registered to be enforced.**
- a letter requesting such registration in Connecticut;
- two copies, including one certified copy, of the order and a statement that no modification has taken place since the order that is being submitted was issued;
- the name and address of the applicant unless disclosure would jeopardize the applicant's safety. **Review CGS 1-210b Address Confidentiality amended by PA 03-200.**
- CGS §46b-15a provides that an *order of protection* from another jurisdiction, is enforceable in Connecticut as a foreign judgment.
- **There is no requirement that victims register a foreign jurisdiction Order of Protection in Connecticut. Officers should make an arrest if the foreign order is violated and additionally charge for any other violations that have occurred within Connecticut's penal code.**
- When presented with a foreign jurisdiction *order of protection*, an officer should do the following:
 - attempt to verify the validity of the order;
 - ascertain how the order was issued in the originating jurisdiction, i.e., by a civil court or by a criminal court;
 - thoroughly investigate the applicability of Connecticut's penal code to the facts of the incident and, if Connecticut laws were violated, make appropriate arrest for those violations;
 - document all relevant facts, and whenever possible, provide a copy of the order with the report;
 - contact a supervisor and/or state's attorney to determine how the foreign jurisdiction order of protection should be enforced.
- An officer who believes that an offender may have violated a provision of the federal family violence laws should forward a copy of the case report and all supplemental reports and documents for review to the United States Attorney's office in Connecticut, who will determine whether the situation warrants prosecution on federal charges. (Refer to Appendix on Federal Domestic Violence Laws, (page 30)
- **The possible or potential applicability of any federal family violence laws does not preclude an officer's responsibility to comply with Connecticut's family violence laws and mandatory arrest provisions.**

WEAPONS

Effect of Restraining, Protective, Standing Criminal Restraining Order Upon the Right to Possess and/or Carry

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

- Not later than two business days after the occurrence of any event that makes a person ineligible to possess a pistol or revolver **OR OTHER FIREARMS (CGS 29-26k (a))** (e.g., person is subject to a RO, PO or SCRO (see page 24 for other disqualifying events) such person must:
 - transfer in accordance with CGS §29-33 any pistols or revolvers (firearms with a barrel length of less than twelve inches [CGS §29-27 and §53a-3 (18)]) OR ANY FIREARM in his possession to a person eligible to possess a pistol or revolver OR ANY FIREARM in accordance with any applicable state or federal laws, or
 - deliver or surrender such pistols or revolvers **OR OTHER FIREARMS** to the Commissioner of Public Safety. [CGS §29-36k(a)]
- Persons subject to a RO, PO, or SCRO are prohibited from possessing a firearm or electronic defense weapon. [CGS §53a-217 as amended by PA 01-130 Section 15]
- Persons subjected to a COR “no use or possession of a dangerous weapon” are prohibited from possessing any dangerous weapons. [CGS § 53a-222]. **Check with your State’s Attorney to determine classification of firearm as a Dangerous Weapon, review State of Connecticut v. Raymond Hardy; SC 17324, May 9, 2006**
- Refer to the 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.
- Although CGS §29-36k requires pistols and revolvers or **ANY FIREARM** to be delivered or surrendered to the Commissioner of Public Safety, departments should develop procedures to accept any delivered or surrendered pistols and revolvers and forward them to the Commissioner of Public Safety.
- If a department does not have such procedures then a person attempting to surrender a weapon to a municipal police department should be referred to the Commissioner of Public Safety, unless the delayed surrender would cause a violation of the criminal possession statute. In such a case, the municipal police department should accept the weapon and forward it to the Commissioner of Public Safety. *(PA 01-130 Section 14 states that the Commissioner of Public Safety, Chief State’s Attorney and the Connecticut Police Chiefs Association shall develop protocol to ensure compliance with [CGS§29-36k].*

Permit to Carry

- The issuing authority of a state permit, temporary state permit, or a local permit (if issued prior to the effective date October 1, 2001, CGS 29-32c amended by PA 01-130) to carry a pistol or revolver must revoke the permit if the person holding the permit becomes subject to a RO, PO or SCRO in a case that involves the use, attempted use, or threatened use of physical force against another person. [CGS §29-32]
- Within five days of receiving written notice that a permit has been revoked, the holder of the permit must surrender the permit to the issuing authority. [CGS §29-32]
- If an offender does not surrender the permit, s/he should be arrested for Failure to Surrender Permit to Carry a Pistol or Revolver, and the permit should be confiscated and immediately forwarded to the Commissioner of Public Safety. [CGS §29-32, as amended by PA 01-130 Section 8]
- Any local issuing authority that revokes a permit must notify the Commissioner of Public Safety of the revocation, and any revocation of a state permit by the Commissioner of Public Safety requires notification of the local issuing authority. [CGS §29-32]

Seizure of Firearms from a Person Arrested for a Family Violence Crime

- Whenever an officer makes an arrest for a family violence crime, the officer may seize any firearm 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)] Amended by PA 02-120. 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.) REFER TO PAGE 31 DSS – FIREARM EVIDENCE DATABANK – This may provide law enforcement with an additional procedure on test firing of a seized hand gun in a criminal investigation.
- **An officer who seizes a firearm under this section should include this information in the report and promptly notify the state's attorney where the case will be arraigned to allow appropriate orders to be requested and issued.**

Seizure of Weapons as Evidence of a Crime

- Whenever a weapon is seized as evidence of a crime it should be documented in the report, all necessary state forms should be completed, chain of custody procedures should be followed and a receipt for the weapon should be issued to the offender.

Use or Threatened Use of Weapon in a Family Violence Crime

- 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 Pistol or Revolver

- The offender should be arrested for Criminal Possession of a Pistol or Revolver (CGS §53a-217c), and the weapon should be seized as evidence of the crime whenever a pistol or revolver is found in the possession of an offender who:
- knows s/he is subject to a RO, PO or SCRO issued by the court, after notice and an opportunity to be heard, in a case involving the use, attempted use or threatened use of physical force against another person;
- has been convicted of a felony;
- has been convicted of CGS §§ 21a-279(c), 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178, or 53a-181d;
- has been convicted as a delinquent for a serious juvenile offense, as defined in §46b-120;
- knows s/he is subject to a firearm seizure order issued pursuant to §29-38c(d), after notice and an opportunity to be heard has been provided to such person;
- has been discharged from custody within the preceding 20 years after having been found not guilty of a crime by reason of mental disease or defect;
- has been confined in a hospital for persons with psychiatric disabilities, as defined in §17a-495, within the preceding twelve months by order of a probate court; or
- is an alien illegally or unlawfully in the United States.
- A person who becomes ineligible to possess a **FIREARM** has **two business days** after the occurrence of the event that makes him/her ineligible to transfer any **FIREARM** to a person eligible to possess them, or to surrender them to the Commissioner of Public Safety. [CGS §29-36k]
- Departments should have in place a protocol to ensure that persons who become ineligible to possess a **FIREARM** have, in accordance with CGS §29-36k, transferred or surrendered them within two business days, as required. [CGS §29-36n, as amended by PA 01-130 Section 14 & PA 02-120]
- Whenever there is probable cause to believe that a person has not complied with CGS §29-36k within two business days, an officer should initiate an investigation and if necessary apply for a S/S warrant to recover the weapon(s). An arrest should be made as appropriate. [CGS §53a-217c]

Criminal Possession of a Firearm or Electronic Defense Weapon

- The offender should be arrested for Criminal Possession of a Firearm or Electronic Defense weapon [CGS §53a-217]. and the weapon should be seized as evidence of the crime

whenever a firearm or electronic defense weapon is found in the possession of an offender who:

- knows s/he is subject to a RO, PO or SCRO issued by the court, after notice and an opportunity to be heard, in a case involving the use, attempted use or threatened use of physical force against another person;
- has been convicted of a felony;
- has been convicted as a delinquent for a serious juvenile offense, as defined in §46b-120; or
- knows s/he is subject to a firearm seizure order issued pursuant to §29-38c(d), after notice and an opportunity to be heard has been provided to such person.
- Whenever there is probable cause to believe that a person illegally possesses a firearm or electronic defense weapon, an officer should initiate an investigation and if necessary apply for a S/S warrant to recover the weapon(s). An arrest should be made as appropriate. [CGS §53a-217c as amended by PA 01-130 section 15]

Carrying Pistol or Revolver without a Permit

- If a pistol or revolver is found in the possession of a person involved in a family violence crime who is not in his dwelling house or place of business, and a determination is made that the person does not have a valid permit to carry such weapon, the person should be arrested for Carrying a Pistol or Revolver without a Permit, and the weapon should be seized as evidence of the crime. [CGS §29-35(a)]
- If the person possesses an invalid permit to carry a pistol or revolver, the permit should be confiscated and immediately forwarded to the Commissioner of Public Safety. An arrest for Failure to Surrender Permit to Carry a Pistol or Revolver, if applicable, should also be made. [CGS §29-35, as amended by PA 01-130 Section 8]

Violation of Conditions of Release

- Whenever a person previously charged with the commission of a felony, misdemeanor or motor vehicle violation for which a sentence to a term of imprisonment may be imposed, who is released pursuant to §54-63d (by bail commissioner) or §54-64a (judicial authority) on a condition that s/he “not use or possess a dangerous weapon,” intentionally violates such condition, that person should be arrested for Violation of Conditions of Release. [CGS §53a-222]
- Persons subjected to a COR “no use or possession of a dangerous weapon” are prohibited from possessing any dangerous weapons. [CGS § 53a-222]. **Check with your State’s Attorney to determine classification of firearm / electronic defense weapon as a Dangerous Weapon, review State of Connecticut v. Raymond Hardy; SC 17324, May 9, 2006**

Seizure of Firearms from Person Posing Risk to Self or Others

- A judge may issue a search and seizure warrant to search for and take custody of any firearms when any two officers (or any prosecutor) complain on oath that there is probable cause to believe that (1) a person poses a risk of imminent personal injury to him/herself or to other individuals, (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)]
- Officers must conduct an independent investigation to determine:
 - that such probable cause exists; and
 - that there is no reasonable alternative available to prevent such person from causing imminent personal injury to him/herself or others with the firearm.
- In determining whether grounds for the application exist, the judge will consider:
 - recent threats or acts of violence by such person directed at him/herself or others;
 - recent acts of cruelty to animals as provided in CGS §53-247(b) by such person.
- In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to him/herself or others, the judge may consider other factors including, but not limited to:
 - the reckless use, display or brandishing of a firearm by such person;
 - the history of the use, attempted use or threatened use of physical force by such person against other persons;
 - prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities; and
 - the illegal use of controlled substances or abuse of alcohol by such person
- **Because the statute requires that the risk be *imminent*, a warrant under this section should be sought as soon as possible to preserve the imminent aspect of that risk.**
 - Officers should use the form *Search and Seizure Warrant Firearms - Person Posing Risk to Self or Others* (JD-CR-129 Rev. 3/2000) to apply for such warrant. **In addition to completing the required information on the form, officers should attach and submit with the application form a supporting affidavit which states the officers' training and experience and clearly details the facts upon which probable cause may be based.** (Refer to Appendix for a copy of S/S Warrant form JD-CR-129.)
- **Whenever firearms are seized under this section from a person involved in a family violence case, officers should promptly notify the state's attorney in the court where that case is being handled *and* where the search and seizure was executed.**

- The applicant for the warrant must file a copy of the application with all supporting affidavits with the clerk of the court for the geographic area within which the search will be conducted no later than the next business day following the execution of the warrant. [CGS §29-38c(c)]
- Within fourteen days of the execution of the warrant the court will hold a hearing to determine whether any seized firearms should be returned to the person named in the warrant. The state will have the burden of proving all material facts by clear and convincing evidence. [CGS §29-38c(d)]

Return of Surrendered or Seized Weapons

- Prior to the return of any seized or surrendered weapon, the department should investigate to ensure that the person is eligible to possess the weapon(s). That investigation should include the following:
 - that the person is not the subject of a RO, PO, SCRO or COR of “no use or possession of a firearm;”
 - that the person is not subject to a seizure under CGS §29-38c;
 - that the person would not be in violation of CGS §53a-217 or §53a-217c;
 - that the person has not been convicted of a misdemeanor or felony family violence crime (federal law prohibits the possession of a firearm or ammunition by any person who has been convicted in any court of a misdemeanor or felony family violence crime); [Title 18 USC § 922(g)(9)] (Refer to Federal Domestic Violence Laws, page 30.)
 - that any handgun required, pursuant to PA 01-130 section 10, to be tested for the Firearm Evidence databank has been submitted for such testing.

Pistols and Revolvers Surrendered pursuant to CGS §29-36k

- A person who has surrendered any **FIREARMS** to the Commissioner of Public Safety pursuant to CGS §29-36k may request in writing within one year after such surrender that the weapon be transferred to any person eligible to possess a pistol or revolver. Within ten days of receipt of written notice of the transfer by both the owner and the designated receiver, the Commissioner of Public Safety must deliver the weapon to the receiver. [CGS §29-36k(b)]
- If a transfer request from the owner of a **FIREARM** is not received within one year from the surrender, the Commissioner of Public Safety shall have the weapon destroyed. [CGS §29-36k(b)]

Firearm seized pursuant to CGS §46b-38b(a)

- 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. **Refer to page 31 DSS.**
- The department should investigate to determine whether the person has become ineligible to possess a firearm prior to any return.
- **Any questions regarding the return of weapons seized under this section should promptly be directed to the state's attorney.**

Weapons seized as Evidence of a Crime

- A weapon seized as evidence of a crime should be listed on an inventory sheet that is submitted to the court, and the seized weapon should be secured and maintained as evidence until the court orders its disposition at the conclusion of the case: typically that it either be destroyed or be returned to its rightful owner.
- Prior to the return of any weapon to its rightful owner, the department should investigate to determine whether the person has become ineligible to possess a weapon.

Firearms Seized pursuant to CGS §29-38c(a) (Person posing risk to self or others)

- Within fourteen days of the execution of the warrant the court will hold a hearing to determine whether any seized firearms should be returned to the person named in the warrant. The state will have the burden of proving all material facts by clear and convincing evidence. [CGS §29-38c(d)]
- Prior to the return of any firearm, the department should investigate to determine whether the person has become ineligible to possess a firearm.

Public Act 01-130 Section 10c(1)
Firearm Evidence Databank

- PA 01-130 section 10 requires the Division of Scientific Services (DSS) to establish a firearm evidence databank that will contain test fire evidence from all handguns submitted to it.
- A police department must submit to the DSS **any HANDGUN** that comes into police custody as the result of:
 - a criminal investigation
 - as found property
 - **OR** for destruction, prior to the return or destruction of the handgun.
- DSS has 60 days following submission by a department to collect such evidence.
- Under certain circumstances, the DSS may permit a firearm's section of a police department to collect such test fire evidence and enter test firearm images directly into the databank. [PA01-130 section 10 (b) (4)]
- DSS will not accept handguns for testing which are surrendered pursuant to an **Order of Protection or for safekeeping.**

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.**

Referrals

- 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 should forward copies of the case report and all supplemental reports to one of the United States Attorney's Office (see below) for 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:
 - **Kevin J. O'Connor, United State's Attorney**
Office of the United States Attorney
157 Church Street
New Haven, Connecticut 06508
(203) 821-3700
 - **Peter S. Jongbloed, Chief, Criminal Division**
Office of the United States Attorney
157 Church Street
New Haven, Connecticut 06508
(203) 821-3700
 - **Alex Hernandez, Supervisor**
Office of the United States Attorney
915 Lafayette Boulevard
Bridgeport, Connecticut 06604
(203) 696-3000
 - **Nora A. Dannehy, Supervisor**
Office of the United States Attorney
450 Main Street
Hartford, Connecticut 06103
(860) 947-1101
- **All officers should be sufficiently trained to recognize the possibility of a federal VAWA violation and to make referrals for these violations.**

Summary of Applicable VAWA Sections

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.

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. (Refer to the section on Enforcement of Foreign Jurisdiction Orders of Protection, page 22.)

CONCLUSION

Police response to crimes of family violence must have as a goal the safety of victims, police officers, children and other witnesses involved in such crimes. Family violence is a violent crime and offenders should be charged with all crimes for which probable cause exists.

Departmental policies and procedures for handling family violence crimes should be clear and concise. All police officers should be well trained on the enforcement of such policies and procedures. Because state and federal laws pertaining to family violence continue to evolve, police departments should monitor changes and continue to maintain police officers' knowledge of this area.

APPENDIX

- I. Civilian Use of Physical Force
- II. Civilian Use of Deadly Force
- III. Comparison of Orders of Protection
- IV. Sample Restraining Orders:
 - a. Application for Relief from Abuse
 - b. Affidavit – Relief from Abuse
 - c. Ex Parte Restraining Order – Relief from Abuse
 - d. Restraining Order After Hearing – Relief from Abuse
- V. Sample Family Violence Protective Order
- VI. Sample Standing Criminal Restraining Order
- VII. Sample Condition of Release – Ordered by a Judge
- VIII. Family Violence Offense Report – DPS 230 revised 8/04
- IX. Search & Seizure Warrant – Firearms / Person Posing Risk to Self or Others JD-CR-129

USE OF PHYSICAL FORCE

Civilian Justified Use of Physical Force

- The use of physical force upon another person is justifiable and not criminal as follows:
- a person may use only the amount of force that s/he reasonably believes is necessary if s/he reasonably believes that it is necessary to defend himself or a third person from imminent use of physical force by an aggressor. [CGS §53a-19(a)]
- a parent, guardian, or other person entrusted with the care and supervision of a minor (under the age of eighteen [CGS §1-1d]) or an incompetent person may use physical force only when and to the extent that s/he reasonably believes necessary to maintain discipline or to promote the welfare of the minor or incompetent person. [CGS §53a-18(1)]
- a person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury (injury which creates a substantial risk of death, or which causes disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ [CGS §53a-3 (4)]) upon her/himself may use only the reasonable amount of physical force that is necessary to stop that person from harming her/himself. [CGS §53a-18(4)]
- a person may use physical force when and to the extent that s/he reasonably believes necessary to prevent an attempt by such other person to commit larceny or criminal mischief involving property, or to regain property s/he reasonably believes to have been acquired by larceny within a reasonable time prior to the use of such force. [CGS §53a-21]

Civilian Unjustified Use of Physical Force

- The use of physical force upon another person is criminal under any of the following circumstances:
- a person provokes the use of physical force by another person with the intent to cause physical injury or death to the other person. [CGS §53a-19(c)(1)]
- a person is the initial aggressor. (However, if s/he withdraws from the encounter and effectively communicates to the other person the intent to do so and the other person continues or threatens the use of physical force, s/he may use the reasonable amount of force necessary to defend her/him.) [CGS §53a-19(c)(2)]

USE OF DEADLY FORCE

Civilian Justified Use of Deadly Force

- The use of deadly physical force upon another person is justifiable and not criminal as follows:
- A person may only use deadly force upon another person to defend her/himself or a third person when s/he reasonably believes it is necessary to protect against the use or imminent use of deadly physical force of the infliction or imminent infliction of great bodily harm. [CGS §53a-19(a)]
- Although a person has a duty to retreat if s/he can safely do so to avoid the use of deadly physical force [CGS §53a-19(b)], s/he does not have to retreat if:
 - s/he is in her/his dwelling and the person upon whom s/he is going to use deadly physical force does not also reside in the dwelling. [CGS §53a-19(b)(1)]
 - s/he is in her/his place of work and was not the initial aggressor.[CGS §53a-19(b)(1)]
 - s/he is a police officer or a private person assisting a police officer at the police officer's direction. [CGS §53a- 19(b)(1)]

Civilian Unjustified Use of Deadly Physical Force

- The use of deadly physical force upon another person is criminal under any of the following circumstances:
- if a person can avoid the use of deadly physical force by surrendering possession of property to a person asserting a claim of right thereto. [CGS §53a-19(b)(2)]
- if a person can avoid the use of deadly physical force by complying with a demand that s/he abstain from performing an act which s/he is not obliged to perform. [CGS §53a-19(b)(3)]

Comparison of Orders of Protection

Protective Orders and Restraining Orders

Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
<p>Protective Order (PO) [CGS §46b-38c]</p>	<ul style="list-style-type: none"> ▶ Issued by a judge in a criminal case after an arrest. ▶ Is a condition of the offender's release. ▶ Victim may not want a PO or know the PO has been issued. ▶ Offender, not the victim, is responsible for upholding order. ▶ There is no cost to the victim. 	<ul style="list-style-type: none"> ▶ As long as the court case. ▶ Judge may modify or terminate at any time, without victim knowing. ▶ Check with Protection Order Registry 	<ul style="list-style-type: none"> ▶ Offender not to restrain, threaten, harass, assault, molest, or sexually assault the victim (partial order). ▶ Offender must move out and stay away from where victim lives (full order). ▶ Offender to have NO CONTACT with victim. ▶ Usually will not include custody orders. 	<ul style="list-style-type: none"> ▶ Criminal Violation of a Protective Order. [CGS §53a-223] D-Felony ▶ Probable cause arrest for all other possible crimes (e.g., criminal trespass, burglary, assault, intimidating a witness, etc.).
<p>Restraining Order (RO) [CGS §46b-15]</p>	<ul style="list-style-type: none"> ▶ Issued by a judge in the civil court (Family Division of Superior Court). ▶ Victim files an "Application for Relief from Abuse". ▶ Ex-parte order immediately granted by judge. Hearing on order scheduled. ▶ Victim must ensure that offender is "served" with notice of hearing at least 24 hours prior to hearing. ▶ Offender, not the victim, is responsible for upholding order. ▶ No cost for filing order, but \$25-60 to hire marshal to serve notice of hearing and order on offender. 	<ul style="list-style-type: none"> ▶ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance, after service of notice. ▶ At hearing, judge can extend the order for six months, with possible extension for another six months. ▶ Order cannot end without victim knowing. ▶ Check with Protection Order Registry 	<ul style="list-style-type: none"> ▶ Offender not to restrain, threaten, harass, assault, molest, sexually assault, or attack the victim. ▶ Offender must move out and stay away from where the victim lives. ▶ May include orders for temporary custody and visitation. 	<ul style="list-style-type: none"> ▶ CGS §3a-223b D-Felony (PA 05-147) ▶ Probable cause arrest for any other crimes (e.g., burglary, assault, threatening, etc.). ▶ Victim also can file a Motion for Contempt in court where order was issued.

Comparison of Orders of Protection

Standing Criminal Restraining Orders and Conditions of Release				
Type of Order	How the Order is Made	How Long the Order Lasts	Provisions that May Be Included	Violations
<p>Standing Criminal Restraining Order (SCRO) [CGS §53a-40e]</p>	<ul style="list-style-type: none"> ▶ Issued by a judge in a criminal case, after a conviction, as part of the offender's sentence. ▶ Offender must be convicted of one of the following statutes in order for a SCRO to be issued: <ul style="list-style-type: none"> ◆ §53a-59 ◆ §53a-59a ◆ §53a-60 ◆ §53a-60a ◆ §53a-60b ◆ §53a-60c ◆ §53a-70 ◆ §53a-70a ◆ §53a-70b ◆ §53a-71 ◆ §53a-72a ◆ §53a-72b ◆ §53a-181c ◆ §53a-181d ◆ §53a-181e, or any attempt or conspiracy to violate such statutes or §53a-54a. ▶ Judge can order if it will best serve the interest of the victim and public. ▶ Offender, not the victim, is responsible for upholding order. ▶ There is no cost to the victim. 	<ul style="list-style-type: none"> ▶ Remains in effect until the court, for good cause shown, modifies or revokes it. ▶ No requirement that victim be notified if order is made, modified or modified. ▶ Police department may not have documentation of SCRO. 	<ul style="list-style-type: none"> ▶ Offender not to restrain, threaten, harass, assault, molest, sexually assault, or attack the victim. ▶ Offender must move out and stay away from where the victim lives. ▶ Offender to have NO CONTACT with victim. ▶ Usually will not include custody orders. 	<ul style="list-style-type: none"> ▶ Criminal Violation of a Standing Criminal Restraining Order. [CGS § 53a-223a] ▶ Probable cause arrest for any other crimes (e.g., burglary, assault, threatening, etc.).
<p>Condition of Release (COR) [CGS §54-63d] [CGS §54-64a]</p>	<ul style="list-style-type: none"> ▶ Issued by a bail commissioner or a judge in a criminal case after an arrest. ▶ Is a condition of the offender's release. ▶ Offender, not the victim, is responsible for upholding order. ▶ There is no cost to the victim. 	<ul style="list-style-type: none"> ▶ As long as the court case. ▶ Judge may modify or terminate condition at any time without the victim knowing. ▶ Police department may not have documentation of such conditions. 	<ul style="list-style-type: none"> ▶ Offender to have NO CONTACT with the victim. ▶ Offender not to use or possess dangerous weapons. 	<ul style="list-style-type: none"> ▶ Violation of Conditions of Release. [CGS § 53a-222] ▶ Probable cause arrest for all other possible crimes (e.g., criminal trespass, burglary, assault, intimidating a witness, etc.).

APPLICATION FOR RELIEF FROM ABUSE.

JD-FM-137 Rev. 12-03 C.G.S. §§ 29-28, 29-32, 29-33, 29-36k, 29-36i, 46b-15, 52-231a, 53a-217c.

STATE OF CONNECTICUT SUPERIOR COURT

www.jud.state.ct.us

INSTRUCTIONS TO APPLICANT

- 1. Use a typewriter or print clearly in ink. You must also complete an Affidavit, form JD-FM-138. Give both forms to the Clerk of Court.
- 2. After your Application and Affidavit are processed, the clerk will give you the proper papers to have served on the Respondent.
- 3. Make sure the originals are returned to court after service.

INSTRUCTIONS TO CLERK

- 1. If Ex Parte relief is ordered, prepare Restraining Order - Relief From Abuse, form JD-FM-139, be sure to check the Ex Parte Restraining Order box on page 1 and complete the Order and Notice of Court Hearing on page 2.
- 2. If Ex Parte relief is NOT ordered, prepare Order and Notice of Court Hearing - Relief From Abuse, form JD-FM-140.
- 3. Provide the Applicant with the original and one copy of the Application and Affidavit. Retain copies of each for court file.
- 4. Provide the Applicant with the Procedures For Relief From Abuse Process brochure JD-FM-142P for further information.

JUDICIAL DISTRICT OF _____		COURT LOCATION (No., street, town and zip code) _____		DOCKET NO. (For court use only) _____	
NAME OF APPLICANT (Your name) _____		DATE OF BIRTH (mm/dd/yyyy) _____	SEX (M/F) _____	RACE _____	
ADDRESS TO WHICH APPLICANT'S MAIL IS TO BE SENT (No., street) _____		(Town) _____	(State) _____	(Zip Code) _____	
APPLICANT'S TOWN OF EMPLOYMENT (If employed) _____		(State) _____	(Zip Code) _____		
NAME OF YOUR ATTORNEY (If any) _____		ATTORNEY'S TEL. NO. _____			
NAME OF RESPONDENT (Person against whom application is filed) _____		DATE OF BIRTH (mm/dd/yyyy) _____	SEX (M/F) _____	RACE _____	
ADDRESS OF RESPONDENT (No., street) _____		(Town) _____	(State) _____	(Zip Code) _____	

RESPONDENT IS ("X" all that apply)

MY SPOUSE MY CHILD MY PARENT A PERSON 18 OR OVER RELATED TO ME BY BLOOD OR MARRIAGE

MY FORMER SPOUSE A PERSON 16 OR OVER WITH WHOM I RESIDE OR WITH WHOM I HAVE RESIDED

PARENT OF MY CHILD A CARETAKER WHO IS PROVIDING SHELTER IN HIS OR HER RESIDENCE TO A PERSON 60 YEARS OF AGE OR OLDER

A PERSON WITH WHOM I HAVE (OR RECENTLY HAD) A DATING RELATIONSHIP

<input type="checkbox"/> "X" here if a Protective Order/Restraining Order exists affecting any party to this Application (Enter Docket No. and Court Location) _____	DOCKET NO. _____	COURT LOCATION _____
<input type="checkbox"/> "X" here if a dissolution of marriage (divorce), custody or visitation action exists involving the same parties. (Enter Docket No. and Court Location) _____	DOCKET NO. _____	COURT LOCATION _____

APPLICATION FOR RELIEF FROM ABUSE

I have been subjected to a continuous threat of present physical pain or physical injury by the Respondent named above as stated more fully in my attached Affidavit. I request that the court: ("X" all that apply)

1. ORDER THAT THE RESPONDENT NAMED ABOVE:

Refrain from imposing any restraint on me. Refrain from entering the family dwelling or my dwelling.

Refrain from threatening, harassing, assaulting, molesting, sexually assaulting or attacking me.

(NOTE: The address provided here will be included on any orders entered by the court. If you do not wish to provide your address, do not complete this box. However, failure to disclose your location information may limit the protection you can receive by the restraining order. If you believe that disclosure of location information would jeopardize you and/or your child(ren)'s health, safety or liberty, you may file a Request For Nondisclosure of Location Information with the Clerk of Court.)

ADDRESS OF DWELLING (No., street, town, state, zip code) _____

2. AWARD ME TEMPORARY CUSTODY OF THE FOLLOWING MINOR CHILD(REN) WHO IS (ARE) ALSO THE CHILD(REN) OF THE RESPONDENT:

1	NAME (First, Middle Initial, Last)	SEX (M/F)	DATE OF BIRTH (MM/DD/YYYY)	4	NAME (First, Middle Initial, Last)	SEX (M/F)	DATE OF BIRTH (MM/DD/YYYY)
2				5			
3				6			

3. ORDER THAT THE RELIEF REQUESTED ABOVE IN NUMBER 1 EXTEND TO:

The child(ren) named in Number 2 above.

Other persons (Specify name(s) and relationship(s) to you) _____

4. FURTHER ORDER: _____

REQUEST FOR EX PARTE (IMMEDIATE) RELIEF ("X" if applicable)

5. I REQUEST THAT THE COURT ORDER EX PARTE (IMMEDIATE) RELIEF BECAUSE I BELIEVE THERE IS AN IMMEDIATE AND PRESENT PHYSICAL DANGER TO ME AND/OR MY MINOR CHILDREN.

SIGNED (Applicant) X _____	Subscribed and sworn to before me: _____	SIGNED (Clerk, Notary, Comm. Sup. Ct.) _____	DATE SIGNED _____
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OPTIONAL TO APPLICANT (If you choose to answer "X" the appropriate boxes below)

1. Does the respondent hold a permit to carry a pistol or revolver? YES NO UNKNOWN

2. Does the respondent possess one or more firearms? YES NO UNKNOWN

**AFFIDAVIT -
RELIEF FROM ABUSE**

JD-FM-138 Rev. 6-03
C.G.S. §§ 46b-15, 52-231a, P.B. § 25-57

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.state.ct.us

INSTRUCTIONS TO APPLICANT (Affiant)

This affidavit must be completed and given to the clerk along with your completed Application for Relief From Abuse, form JD-FM-137. Your affidavit must include a statement of the conditions from which you seek relief and must be made under oath (you must swear that your statement is true and sign it in front of a court clerk, a notary public, or an attorney who will also sign and date the affidavit). The statement must be true to the best of your knowledge. Give recent, specific examples along with dates and state if any arrest was made related to the incidents outlined in this statement.

If you seek temporary custody of your minor child(ren), you must also complete an Affidavit Concerning Children, form JD-FM-164.

NAME OF APPLICANT (Your name)	NAME OF RESPONDENT (Person against whom application is filed)	DOCKET NO. (For court use only)
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STATEMENT OF CONDITIONS FROM WHICH YOU SEEK RELIEF

I, the undersigned, duly depose and say that I am the Applicant in this matter and state as follows:

STATEMENT CONCERNING TEMPORARY CUSTODY OF CHILDREN

"X" one of the following:

- I am not seeking temporary custody of any minor child(ren) in this matter.
- I am seeking temporary custody of my minor child(ren) in this matter.
(Complete an Affidavit Concerning Children, form JD-FM-164, and bring it to the clerk along with this form and your completed Application For Relief From Abuse, form JD-FM-137.)

I hereby certify that the foregoing statements are true to the best of my knowledge and belief.	SIGNATURE	PRINT NAME OF PERSON SIGNING
SUBSCRIBED AND SWORN TO BEFORE ME (Asst. Clerk, Comm. of Superior Court, Notary Public)		DATE SIGNED

**RESTRAINING ORDER
RELIEF FROM ABUSE**



JD-FM-139X Rev. 12-01
C.G.S. §§ 29-28, 29-32, 29-33, 29-36k, 29-36i, 46b-15,
52-259, 53a-36, 53a-42, 53a-217c, P.A. 01-130

**** ATTENTION RESPONDENT ****
**SEE PAGE 2 FOR FIREARMS RESTRICTIONS
AND OTHER INFORMATION CONCERNING
ORDERS OF PROTECTION.**

STATE OF CONNECTICUT
SUPERIOR COURT

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EX PARTE RESTRAINING ORDER

INSTRUCTIONS TO CLERK: Assign a hearing date of not later than 14 days from the date of the Order and Notice of Court Hearing. Provide the originals of the completed Application (JD-FM-137X), Affidavit (JD-FM-138), this order (JD-FM-139X) as well as two certified copies of this order to the Applicant. Provide one copy to CSSD Family Services and retain one copy for the court file.

Within 48 hours of issuance of this order, the clerk shall send certified copies to the law enforcement agencies for the towns of residence of the Applicant and the Respondent if different, and if requested by the Applicant, to the law enforcement agency for the Applicant's town of employment.

RESTRAINING ORDER AFTER HEARING

INSTRUCTIONS TO CLERK: Retain original for court file. Provide two certified copies of this order to the Applicant, one copy to the Respondent and one copy to CSSD Family Services.

J.D.	COURT LOCATION (No., street, town, zip code, and courtroom, if applicable)			DOCKET NO.
NAME OF APPLICANT		DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
ADDRESS TO WHICH APPLICANT'S MAIL IS TO BE SENT (No. and street)		(Town)	(State)	(Zip Code)
If additional notification to law enforcement was requested:		APPLICANT'S TOWN OF EMPLOYMENT		(State) (Zip Code)
NAME OF RESPONDENT (Person against whom order is issued)		DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
ADDRESS OF RESPONDENT IF DIFFERENT FROM ABOVE (No. and street)		(Town)	(State)	(Zip Code)

RESTRAINING ORDER RELIEF FROM ABUSE

ON THIS DATE IT IS HEREBY ORDERED THAT:

THE ABOVE-NAMED RESPONDENT,

- Refrain from imposing any restraint upon the person or liberty of the Applicant. (R1)
- Refrain from entering the family dwelling or the Applicant's dwelling. (R3)
- Refrain from threatening, harassing, assaulting, molesting, sexually assaulting or attacking the Applicant. (R2)
- Respondent may return to the dwelling one time with police to retrieve belongings. (R4)

ADDRESS OF DWELLING	(Town)	(State)	(Zip Code)
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- Refrain from stalking the Applicant. (R6)
- Refrain from coming within 100 yards of the Applicant. (R7)
- Stay away from children's school/daycare. (R9)
- Refrain from having any contact in any manner with the Applicant. (R5)
- Refrain from entering the Applicant's place of employment. (R8)

This order extends to the Applicant's minor children. (R10)

This order extends to other persons (R11): (specify) _____

THE COURT FURTHER AWARDS TEMPORARY CUSTODY OF THE FOLLOWING CHILDREN TO THE APPLICANT (R12):

NAME (First, Middle Initial, Last)	SEX (M/F)	DATE OF BIRTH (MM/DD/YYYY)	NAME (First, Middle Initial, Last)	SEX (M/F)	DATE OF BIRTH (MM/DD/YYYY)
1			4		
2			5		
3			6		

- With visitation as follows (V1): _____
- Without visitation rights to the Respondent (V2).
- Further order (R13): _____

NOTICE	FOR COURT USE ONLY
<i>An EX PARTE RESTRAINING ORDER is only effective until the date of the hearing unless extended by agreement of the parties or by order of the court for good cause shown. A RESTRAINING ORDER AFTER HEARING remains effective for six months from the date the order unless a shorter period is ordered by the court.</i>	
SIGNED (Judge, Assistant Clerk)	DATE SIGNED

NAME OF APPLICANT	NAME OF RESPONDENT (Person against whom this order is issued)	DOCKET NO.
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SECTION A - APPLIES ONLY TO EX PARTE RESTRAINING ORDERS

ORDER AND NOTICE OF COURT HEARING

An application For Relief From Abuse having been presented to the court, it is hereby ordered that a hearing be held at the Court Location shown below. The Applicant shall cause notice of the Date and Time of Hearing, a copy of the Application, Affidavit and of the Ex Parte Order to be served on the Respondent according to law NOT LESS THAN FIVE DAYS BEFORE THE DATE OF HEARING.

DATE OF HEARING	TIME OF HEARING m.	COURT LOCATION (Number, street, town, zip code and courtroom, if applicable)
-----------------	-----------------------	--

TO ANY PROPER OFFICER:

By authority of the State of Connecticut you are hereby commanded to serve a true and attested copy of the Application for Relief from Abuse, Affidavit, and the Ex Parte Order upon the Respondent according to law NOT LESS THAN FIVE DAYS BEFORE THE HEARING DATE SHOWN ABOVE.

BY ORDER OF THE COURT	SIGNED (Assistant Clerk)	DATE SIGNED
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SECTION B - APPLIES TO BOTH EX PARTE RESTRAINING ORDER AND RESTRAINING ORDER AFTER HEARING

*** RESTRAINING ORDER EXTENSIONS AND CRIMINAL TRESPASS**

This order may be extended by the court beyond six months. In accordance with C.G.S. § 53a-107, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both.

FIREARMS RESTRICTIONS FOR PERSON SUBJECT TO RESTRAINING OR PROTECTIVE ORDERS

If you are subject to a restraining or protective order involving the use, attempted use or threatened use of physical force against another person:

1. You are not eligible to receive a permit or eligibility certificate allowing you to carry a pistol or revolver (C.G.S. Sections 29-28(b)(6), 29-36f(b)(6));
2. Any permit or eligibility certificate which you now hold shall be revoked and you must surrender such permit or eligibility certificate to the authority that issued it within five (5) days of being notified that it has been revoked. If you do not surrender such permit or eligibility certificate as required, you will be guilty of a class C misdemeanor which is punishable by a fine of up to five hundred dollars or imprisonment of up to three months or both. (C.G.S. Sections 29-32 and 29-36i);
3. You must transfer all pistols and revolvers which you possess to a person who is eligible to possess them or surrender them to the Commissioner of Public Safety within two (2) business days of becoming subject to such order. If you do not do so, you will be subject to a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. Sections 29-36k and 29-33); and
4. If you possess any pistol or revolver, or any firearm or electronic defense weapon, after you have had notice of such order and an opportunity to be heard, you will be guilty of criminal possession of a pistol or revolver or criminal possession of a firearm or electronic defense weapon. These crimes are class D felonies which are punishable by a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. Sections 53a-217(a)(3) and 53a-217c(5)).

SECTION C - APPLIES ONLY TO RESTRAINING ORDER AFTER HEARING

*** NATIONWIDE ENFORCEMENT OF RESTRAINING AND PROTECTIVE ORDERS**

This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and Tribal Lands.

**FAMILY VIOLENCE
PROTECTIVE ORDER**

JD-CR-58X Rev. 12-01
§§ 46b-38c(d), 53a-223, P.A. 01-130
S.C. § 2265

**** ATTENTION DEFENDANT ****
SEE PAGE 2 FOR FIREARMS RESTRICTIONS
AND OTHER INFORMATION CONCERNING
ORDERS OF PROTECTION.

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.state.ct.us



DISTRIBUTION INSTRUCTIONS

1. Retain original for court file; send copies to the Defendant and Family Relations.
2. Within 48 hours of issuance of this order, send certified copies to law enforcement agencies covering the towns of residence of both the Victim and the Defendant, and if requested, to the law enforcement agency covering the Victim's town of employment.

J.D./G.A.		COURT LOCATION (No., street, town, zip code, and courtroom, if applicable)		DOCKET NO. CR-	
NAME OF DEFENDANT (Respondent)			DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
ADDRESS OF DEFENDANT (No. and street)		(City)	(State)	(Zip Code)	
IT HAS BEEN ALLEGED THAT: <input type="checkbox"/> The above-named Defendant (Respondent) holds a permit to carry a pistol or revolver.			<input type="checkbox"/> The above-named Defendant (Respondent) possesses one or more firearms.		
<input type="checkbox"/> SEALED FROM PUBLIC	NAME OF VICTIM (Protected Party)	DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE	
<input type="checkbox"/> SEALED FROM PUBLIC	ADDRESS TO WHICH MAIL IS TO BE SENT (No. and street)	(City)	(State)	(Zip Code - Required)	
OPTIONAL	If additional notification to law enforcement was requested:	VICTIM'S TOWN OF EMPLOYMENT	(State)	(Do not enter zip code)	

"X" here if there is any other protective or restraining order in effect for either party connected with this action.

PROTECTIVE ORDER

ON THIS DATE IT IS HEREBY ORDERED THAT:
THE ABOVE-NAMED DEFENDANT (Respondent),

- | | |
|---|--|
| <input type="checkbox"/> Refrain from imposing any restraint upon the person or liberty of the Victim. (P1) | <input type="checkbox"/> Refrain from threatening, harassing, assaulting, molesting, or sexually assaulting the Victim. (P2) |
| <input type="checkbox"/> Refrain from entering the family dwelling or the dwelling of the Victim. (P3) | <input type="checkbox"/> Defendant may return to the dwelling one time with police to retrieve belongings. (P4) |

<input type="checkbox"/> SEALED FROM PUBLIC	ADDRESS OF DWELLING (If different from Victim's mailing address above)	(City)	(State)	(Zip Code)
---	--	--------	---------	------------

- | | |
|--|---|
| <input type="checkbox"/> Refrain from having any contact in any manner with the Victim. (P5) | <input type="checkbox"/> Refrain from stalking the Victim. (P6) |
| <input type="checkbox"/> Refrain from coming within 100 yards of the Victim. (P7) | <input type="checkbox"/> Refrain from entering the Victim's place of employment. (P8) |

- This order extends to the Victim's minor children. (P9)
- Further order: (P10)

THIS ORDER REMAINS IN EFFECT UNTIL FINAL DISPOSITION OF THE CRIMINAL CASE OR UNTIL FURTHER ORDER OF THE COURT.

BY THE COURT	SIGNED (Judge, Assistant Clerk)	DATE SIGNED (mm/dd/yyyy)
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CERTIFICATION

I hereby certify that the foregoing is a true copy of the protection order in the herein named cause, as on file and of record appears. Witness whereof, I have hereunto set my hand and the seal of said court on:

SIGNED (Assistant Clerk)	DATE SIGNED (mm/dd/yyyy)
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VEA LA TRADUCCIÓN AL ESPAÑOL EN LA PÁGINA 2

INFORMATION CONCERNING PROTECTIVE ORDERS

NATIONWIDE ENFORCEMENT OF RESTRAINING AND PROTECTIVE ORDERS

This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and Tribal Lands.

BAIL OR RELEASE CONDITION FOR PERSONS SUBJECT TO PROTECTIVE ORDERS

If a protective order is made a condition of your bail or release and, in accordance with C.G.S. § 53a-223, any violation of this order constitutes criminal violation of a protective order. Additionally, in accordance with C.G.S. § 53a-107, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. These are criminal offenses each punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release, and may result in raising the amount of bail or revoking release.

FIREARMS RESTRICTIONS FOR PERSON SUBJECT TO RESTRAINING OR PROTECTIVE ORDERS

If you are subject to a restraining or protective order involving the use, attempted use or threatened use of physical force against another person:

1. You are not eligible to receive a permit or eligibility certificate allowing you to carry a pistol or revolver (C.G.S. Sections 29-28(b)(6), 29-36f(b)(6));
2. Any permit or eligibility certificate which you now hold shall be revoked and you must surrender such permit or eligibility certificate to the authority that issued it within five (5) days of being notified that it has been revoked. If you do not surrender such permit or eligibility certificate as required, you will be guilty of a class C misdemeanor which is punishable by a fine of up to five hundred dollars or imprisonment of up to three months or both. (C.G.S. Sections 29-32 and 29-36i);
3. You must transfer all pistols and revolvers which you possess to a person who is eligible to possess them or surrender them to the Commissioner of Public Safety within two (2) business days of becoming subject to such order. If you do not do so, you will be subject to a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. Sections 29-36k and 29-33); and
4. If you possess any pistol or revolver, or any firearm or electronic defense weapon, after you have had notice of such order and an opportunity to be heard, you will be guilty of criminal possession of a pistol or revolver or criminal possession of a firearm or electronic defense weapon. These crimes are class D felonies which are punishable by a fine of up to five thousand dollars or a term of imprisonment of up to five years or both (C.G.S. Sections 53a-217(a)(3) and 53a-217c(5)).

INFORMACIÓN SOBRE LAS ÓRDENES DE PROTECCIÓN

CUMPLIMIENTO A NIVEL NACIONAL DE LAS ÓRDENES DE PROTECCIÓN

Este tribunal tenía jurisdicción sobre las partes y la materia en cuestión cuando dictó esta orden de protección. A la parte peticionada se le notificó y se le dio la oportunidad de ser escuchado en la vista que dió lugar a esta orden. Conforme a la Ley sobre la Violencia contra la Mujer de 1994, 18 USC 2265, esta orden es válida y se puede hacer cumplir en los cincuenta estados, cualquier territorio o posesión de Estados Unidos, el Distrito de Columbia, el Estado Libre Asociado de Puerto Rico y en las tierras tribales.

CONDICIONES DE LA LIBERACIÓN O LIBERTAD BAJO FIANZA DE LOS PETICIONADOS EN UNA ORDEN DE PROTECCIÓN

Esta orden de protección constituye una condición de su liberación o libertad bajo fianza y, conforme a C.G.S. §53a-223, toda violación de esta orden es una violación sancionable de una orden de protección. Además, conforme a C.G.S. §53a-107, entrar o permanecer en un edificio u otro local en violación de esta orden constituye entrada ilegal en primer grado. Cada uno de estos delitos son sancionables por un periodo de reclusión de no más de un año, una multa de no más de dos mil dólares o ambas penas. La violación de esta orden también viola una de las condiciones de su liberación o libertad bajo fianza, y puede resultar en el aumento del monto de la fianza impuesta o en la revocación de su libertad.

RESTRICCIONES EN MATERIA DE ARMAS DE FUEGO A LOS PETICIONADOS SUJETO A ÓRDENES DE RESTRICCIÓN O DE PROTECCIÓN

Si usted es la parte peticionada en una orden de restricción o de protección por motivos de emplear, intentar emplear o amenazar con emplear la fuerza física contra otra persona:

1. No llena los requisitos para recibir un permiso ni el certificado de idoneidad que lo autoriza a portar pistolas o revólveres (Estatutos Generales de Connecticut, Artículos 29-28(b)(6), 29-36f(b)(6));
2. Todo permiso o certificado de idoneidad que posea ahora será revocado y deberá entregar este permiso o certificado de idoneidad a las autoridades que lo expidieron en el término de cinco (5) días de notificársele que ha sido revocado. Si no entrega dicho permiso o certificado de idoneidad según se requiere, se le hallará culpable de un delito menor clase C que se sanciona con una multa de hasta quinientos dólares, una pena de reclusión de hasta tres meses o ambas penas (C.G.S. Artículos 29-32 y 29-36i);
3. Deberá entregar todas las pistolas y revólveres que posea a una persona idónea para poseérlas o entregarlas al Comisionado de Seguridad Pública dentro de los próximos dos días laborables de haberse expedido esta orden. Si no lo hace así, será sancionado con una multa de hasta cinco mil dólares, o con una pena de reclusión por un máximo de cinco años o ambas penas (C.G.S., Artículos 29-36k y 29-33); y
4. Si posee una pistola o revólver, un arma de fuego o un arma defensiva electrónica de cualquier tipo, después que se le ha notificado de esta orden y se ha tenido la oportunidad de oírle, se le hallará culpable de posesión ilegal de una pistola o revólver o de posesión ilegal de un arma de fuego o de un arma defensiva electrónica. Estos son delitos graves clase D que son sancionados con multa de hasta cinco mil dólares, o una pena de reclusión por un término máximo de cinco años o ambas penas (C.G.S. Artículos 53a-217(a)(3) y 53a-217c(5)).

PROTECTIVE ORDER

JD-CR-58 Rev. 3-06
C.G.S. §§ 29-36k, 46b-38c(d)(e), 53a-223,
54-1k, 18 U.S.C. § 2265, P.A. 05-147

**** ATTENTION DEFENDANT ****
**SEE PAGE 2 FOR FIREARMS RESTRICTIONS
AND OTHER INFORMATION CONCERNING
ORDERS OF PROTECTION.**

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov



DISTRIBUTION INSTRUCTIONS

1. Retain original for court file; send a certified copy to the Protected Person and copies to the Defendant and Family Relations.
2. Within 48 hours of issuance of this order, send a copy of this order or the information contained herein by facsimile or other means to law enforcement agencies covering the towns of residence of both the Protected Person and the Defendant, and if requested, to the law enforcement agency covering the Protected Person's town of employment.

J.D./G.A.	COURT LOCATION (No., street, town, zip code, and courtroom, if applicable)		DOCKET NO. CR	
NAME OF DEFENDANT (Last, First, Middle)		DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
ADDRESS OF DEFENDANT (No. and street)		(City)	(State)	(Zip Code)
IT HAS BEEN ALLEGED THAT THE ABOVE-NAMED DEFENDANT: <input type="checkbox"/> holds a permit to carry a pistol or revolver. <input type="checkbox"/> possesses one or more firearms. Date of allegation: _____		DEFENDANT'S RELATIONSHIP TO PROTECTED PERSON (Either present or former) <input type="checkbox"/> Spouse <input type="checkbox"/> Parent of Common Child <input type="checkbox"/> Party to a Civil Union <input type="checkbox"/> Protected Person's Parent <input type="checkbox"/> Intimate Cohabitant <input type="checkbox"/> Other: _____		
<input type="checkbox"/> SEALED FROM PUBLIC	NAME OF PROTECTED PERSON (Last, First, Middle)	DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
<input type="checkbox"/> SEALED FROM PUBLIC	ADDRESS TO WHICH MAIL IS TO BE SENT (No. and street)	(City)	(State)	(Zip Code - Required)
<input type="checkbox"/> SEALED FROM PUBLIC	HOME ADDRESS <input type="checkbox"/> Same as Mailing Address	(City)	(State)	(Zip Code - Required)
<input type="checkbox"/> SEALED FROM PUBLIC	WORK ADDRESS (If additional notification was requested)	(City)	(State)	(Zip Code - Required)
<input type="checkbox"/> "X" here if there is any other protective or restraining order in effect for either party connected with this action.				

PROTECTIVE ORDER

ORIGINAL ORDER MODIFICATION OF ORDER DATED: _____

ON THIS DATE IT IS HEREBY ORDERED THAT:

- CT01 Defendant shall refrain from imposing any restraint upon the person or liberty of the Protected Person.
- CT02 Defendant shall refrain from threatening, harassing, stalking, assaulting, molesting, sexually assaulting or attacking the Protected Person.
- CT03 Defendant shall refrain from entering the family dwelling, the dwelling of the Protected Person or wherever the Protected Person shall reside.
- CT04 Defendant may return to the dwelling one time with police to retrieve belongings.
- CT05 Defendant shall refrain from having any contact in any manner with the Protected Person.
- CT06 Defendant shall refrain from coming within 100 yards of the Protected Person.
- CT07 Defendant shall refrain from entering the place of employment of the Protected Person.
- CT08 This order extends to other persons (specify name and date of birth): _____
- CT09 This order extends to the Protected Person's minor children.
 Further order: _____

SURRENDER OR TRANSFER ALL FIREARMS (See page 2, call 860 685-8400 for assistance.)

THIS ORDER REMAINS IN EFFECT UNTIL FINAL DISPOSITION OF THE CRIMINAL CASE OR UNTIL FURTHER ORDER OF THE COURT.

BY THE COURT	SIGNED (Judge, Assistant Clerk)	DATE SIGNED (mm/dd/yyyy)
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CERTIFICATION

I hereby certify that the foregoing is a true copy of the protection order in the herein named cause, as on file and of record appears. In witness whereof, I have hereunto set my hand and the seal of said court on:	SIGNED (Assistant Clerk)	DATE SIGNED (mm/dd/yyyy)
--	--------------------------	--------------------------

INFORMATION CONCERNING PROTECTIVE ORDERS

NATIONWIDE ENFORCEMENT

This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and Tribal Lands.

BAIL OR RELEASE CONDITION FOR PERSONS SUBJECT TO PROTECTIVE ORDERS

This protective order is made a condition of your bail or release and, in accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release, and may result in raising the amount of bail or revoking release.

FIREARMS RESTRICTIONS

If you are subject to a restraining or protective order involving the use, attempted use or threatened use of physical force against another person:

1. You are not eligible to receive a permit or eligibility certificate allowing you to carry a pistol or revolver (C.G.S. Sections 29-28(b)(6), 29-36f(b)(6));
2. Any permit or eligibility certificate which you now hold shall be revoked and you must surrender such permit or eligibility certificate to the authority that issued it within five (5) days of being notified that it has been revoked. If you do not surrender such permit or eligibility certificate as required, you will be guilty of a class C misdemeanor which is punishable by a fine of up to five hundred dollars or imprisonment of up to three months or both. (C.G.S. Sections 29-32 and 29-36i);
3. You must transfer all pistols, revolvers and other firearms which you possess to a person who is eligible to possess them or surrender them to the Commissioner of Public Safety within two (2) business days of becoming subject to such order. If you do not do so, you will be subject to a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. Sections 29-36k and 29-33); and
4. If you possess any pistol or revolver, or any firearm or electronic defense weapon, after you have had notice of such order and an opportunity to be heard, you will be guilty of criminal possession of a pistol or revolver or criminal possession of a firearm or electronic defense weapon. These crimes are class D felonies which are punishable by a fine of up to five thousand dollars or a term of imprisonment of up to five years or both (C.G.S. Sections 53a-217(a)(3) and 53a-217c(5)). Two years of the sentence imposed for criminal possession of a firearm or electronic defense weapon may not be suspended or reduced by the court (C.G.S. Section 53a-217(b)).

INFORMACIÓN ACERCA DE LAS ÓRDENES DE PROTECCIÓN

CUMPLIMIENTO A NIVEL NACIONAL

Este tribunal tenía jurisdicción sobre las partes y la materia en cuestión cuando dictó esta orden de protección. Al demandado se le notificó y se le dió la oportunidad de ser escuchado en la audiencia que dió lugar a esta orden. Conforme a la Ley sobre Violencia contra la Mujer de 1994, 18 USC 2265, esta orden es válida y se puede hacer cumplir en los cincuenta estados, en cualquier territorio o posesión de los Estados Unidos, en el Distrito de Columbia, en el Estado Libre Asociado de Puerto Rico y en las tierras indígenas.

CONDICION DE LA LIBERACIÓN O LIBERTAD BAJO FIANZA DE PERSONAS SUJETAS A UNA ORDEN DE PROTECCIÓN

Esta orden de protección es una condición de su liberación o libertad bajo fianza y, conforme al artículo 53a-223 de los Estatutos Generales de Connecticut, todo incumplimiento de esta orden constituye una violación de una orden de protección, la que se sanciona con pena de prisión por un término que no excederá de cinco años, pena de multa que no excederá de cinco mil dólares o ambas penas. Asimismo, conforme al artículo 53a-107 de los Estatutos Generales de Connecticut, el entrar o el permanecer en un edificio o cualquier otro local en violación de esta orden constituye allanamiento de propiedad en primer grado, lo que se sanciona con pena de prisión por un término que no excederá de un año, pena de multa que no excederá de dos mil dólares o ambas penas. Cualquier incumplimiento de esta orden también viola una de las condiciones de su liberación o libertad bajo fianza y, como consecuencia, se le puede subir la fianza impuesta o se le puede revocar su libertad.

RESTRICCIONES EN MATERIA DE ARMAS DE FUEGO

Si a Ud. se le exige obedecer una orden de restricción o de protección por haber empleado la fuerza física contra otra persona, por haber intentado emplearla o por haber amenazado con emplearla:

1. No lléne los requisitos para recibir el permiso ni el certificado de idoneidad que lo autoriza a portar pistolas o revólveres (C.G.S. artículos 29-28(b)(6) y 29-36f(b)(6));
2. Todo permiso o certificado de idoneidad que posea ahora será revocado y deberá entregar este permiso o certificado de idoneidad a las autoridades que lo expidieron en el término de cinco (5) días de notificarsele que ha sido revocado. Si no entrega dicho permiso o certificado de idoneidad según se requiere, se le encontrará culpable de un delito menor clase C que se sanciona con pena de multa que no excederá de quinientos dólares, pena de prisión que no excederá de tres meses o ambas penas (C.G.S. artículos 29-32 y 29-36i);
3. Deberá entregar todas las pistolas, revólveres y otras armas de fuego a una persona idónea para poseerlas o entregarlas al Comisionado de Seguridad Pública en el término de dos (2) días hábiles siguientes a la imposición de esta orden. Si no lo hace así, será sancionado con multa que no excederá de cinco mil dólares, pena de prisión que no excederá de cinco años o ambas penas (C.G.S. artículos 29-36k y 29-33); y
4. Si Ud. posee una pistola o revólver, un arma de fuego o un arma electrónica de defensa de cualquier tipo, después de que se le ha notificado de esta orden y se ha tenido la oportunidad de oírle, se le encontrará culpable de tenencia ilegal de una pistola o revólver o de tenencia ilegal de un arma de fuego o de un arma electrónica de defensa. Estos son delitos mayores clase D, que se sancionan con multa que no excederá de cinco mil dólares, pena de prisión que no excederá de cinco años o ambas penas (C.G.S. artículos 53a-217(a)(3) y 53a-217c(5)). El Tribunal no podrá suspender ni reducir los dos años [obligatorios] de la condena impuesta por tenencia ilegal de un arma de fuego o de un arma electrónica de defensa (C.G.S. artículo 53a-217(b)).

**STANDING CRIMINAL
RESTRAINING ORDER**

JD-CR-115 Rev. 2-05
C.G.S. §§ 53a-40e, 53a-223a.

**** ATTENTION OFFENDER ****
**SEE PAGE 2 FOR FIREARMS RESTRICTIONS
AND OTHER INFORMATION CONCERNING
ORDERS OF PROTECTION.**

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.state.ct.us

DISTRIBUTION INSTRUCTIONS

1. Retain original for court file; provide a copy to the Offender; send a certified copy to the protected party.
2. Within 48 hours of issuance of this order, send a copy of this order or the information contained herein to law enforcement agencies covering the towns of residence of both the Victim and the Offender, and if requested, to the law enforcement agency covering the Victim's town of employment. Send copy to Probation if any probation is ordered; send copy to Department of Correction if incarceration but no probation.

J.D./G.A.	COURT LOCATION (No., street, town, zip code, and courtroom, if applicable)		DOCKET NO. CR-
NAME OF OFFENDER (Last, First, Middle)	DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE
ADDRESS OF OFFENDER (No. and street)		(City)	(State) (Zip Code)
IT HAS BEEN ALLEGED THAT THE ABOVE-NAMED OFFENDER: <input type="checkbox"/> holds a permit to carry a pistol or revolver. <input type="checkbox"/> possesses one or more firearms.		OFFENDER'S RELATIONSHIP TO VICTIM <input type="checkbox"/> Spouse/Former <input type="checkbox"/> Parent of Common Child <input type="checkbox"/> Other (specify below) <input type="checkbox"/> Cohabitant/Former <input type="checkbox"/> Victim's Child	
<input type="checkbox"/> SEALED FROM PUBLIC	NAME OF VICTIM (Last, First, Middle)	DATE OF BIRTH (mm/dd/yyyy)	SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE
<input type="checkbox"/> SEALED FROM PUBLIC	ADDRESS TO WHICH MAIL IS TO BE SENT (No. and street)		(City) (State) (Zip Code - Required)
<input type="checkbox"/> SEALED FROM PUBLIC	HOME ADDRESS <input type="checkbox"/> Same as mailing address	(City)	(State) (Zip Code - Required)
OPTIONAL	If additional notification to law enforcement was requested:	VICTIM'S TOWN OF EMPLOYMENT	(State) (Zip Code - Required)

"X" here if there is any other protective or restraining order in effect for either party connected with this action.

STANDING CRIMINAL RESTRAINING ORDER

ORIGINAL ORDER MODIFICATION OF ORDER DATED: _____ ORDER DATED _____ IS REVOKED

The court, being of the opinion that the history and character and the nature and circumstances of the criminal conduct of the above named offender indicate that a Standing Criminal Restraining Order will best serve the interest of the victim and the public, hereby issues a Standing Criminal Restraining Order and **ORDERS THE OFFENDER TO:**

- Refrain from imposing any restraint upon the person or liberty of the Victim. (P1)
- Refrain from threatening, harassing, stalking, assaulting, molesting, or sexually assaulting the Victim. (P2)
- Refrain from entering the family dwelling, the dwelling of the Victim or wherever the Victim shall reside. (P3)
- Defendant may return to the dwelling one time with police to retrieve belongings. (P4)
- Refrain from having any contact in any manner with the Victim. (P5)
- Refrain from coming within 100 yards of the Victim. (P7)
- Refrain from entering the Victim's place of employment. (P8)
- This order extends to the Victim's minor children. (P9)
- Further order: (P10)

SURRENDER OR TRANSFER ALL FIREARMS (See page 2, call 860 685-8400 for assistance.)

This order shall remain in effect until modified or revoked by the court for good cause shown. In accordance with section § 53a-223a, violation of a standing criminal restraining order issued by the court pursuant to subsection (a) of C.G.S. § 53a-40e shall be punishable by a term of imprisonment of not less than one year nor more than five years, a fine of not more than five thousand dollars or both.

SIGNED (Judge, Assistant Clerk)	DATE SIGNED (mm/dd/yyyy)
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I hereby certify that the foregoing is a true copy of the protection order in the herein named cause as on file and of record appears.
In witness whereof, I have hereunto set my hand and the seal of said court on:

SIGNED (Assistant Clerk)	DATE SIGNED (mm/dd/yyyy)
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VEA LA TRADUCCIÓN AL ESPAÑOL EN LA PÁGINA 2

INFORMATION CONCERNING ORDERS OF PROTECTION

NATIONWIDE ENFORCEMENT OF RESTRAINING AND PROTECTIVE ORDERS

This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and Tribal Lands.

FIREARMS RESTRICTIONS FOR PERSON SUBJECT TO RESTRAINING OR PROTECTIVE ORDERS

If you are subject to a restraining or protective order involving the use, attempted use, or threatened use of physical force against another person:

1. You are not eligible to receive a permit or eligibility certificate allowing you to carry a pistol or revolver (C.G.S. Sections 29-28(b)(6), 29-36f(b)(6));
2. Any permit or eligibility certificate which you now hold shall be revoked and you must surrender such permit or eligibility certificate to the authority that issued it within five (5) days of being notified that it has been revoked. If you do not surrender such permit or eligibility certificate as required, you will be guilty of a class C misdemeanor which is punishable by a fine of up to five hundred dollars or imprisonment of up to three months or both (C.G.S. Sections 29-32 and 29-36i);
3. You must transfer all pistols, revolvers and other firearms which you possess to a person who is eligible to possess them or surrender them to the Commissioner of Public Safety within two (2) business days of becoming subject to such order. If you do not do so, you will be subject to a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. Sections 29-36k and 29-33); and
4. If you possess any pistol or revolver, or any firearm or electronic defense weapon, after you have had notice of such order and an opportunity to be heard, you will be guilty of criminal possession of a pistol or revolver or criminal possession of a firearm or electronic defense weapon. These crimes are class D felonies which are punishable by a fine of up to five thousand dollars or a term of imprisonment of up to five years or both (C.G.S. Sections 53a-217(a)(3) and 53a-217c(a)(5)). Two years of the sentence imposed for criminal possession of a firearm or electronic defense weapon may not be suspended or reduced by the court (C.G.S. Section 53a-217(b)).

INFORMACIÓN ACERCA DE LAS ÓRDENES DE PROTECCIÓN

CUMPLIMIENTO DE LAS ÓRDENES DE PROTECCIÓN A NIVEL NACIONAL

Este tribunal tenía jurisdicción sobre las partes y la materia en cuestión cuando dictó esta orden de protección. Al peticionada se le notificó y se le dió la oportunidad de ser escuchado en la audiencia que dió lugar a esta orden. Conforme a la Ley sobre Violencia contra la Mujer de 1994, 18 USC 2265, esta orden es válida y se puede hacer cumplir en los cincuenta estados, en cualquier territorio o posesión de los Estados Unidos, en el Distrito de Columbia, en el Estado Libre Asociado de Puerto Rico y en las tierras tribales.

RESTRICCIONES EN MATERIA DE ARMAS DE FUEGO A LOS PETICIONADOS SUJETO A ÓRDENES DE RESTRICCIÓN O DE PROTECCIÓN

Si a Ud. se le exige obedecer una orden de restricción o de protección por haber empleado la fuerza física contra otra persona, por haber intentado emplearla o por haber amenazado con emplearla:

1. No llena los requisitos para recibir el permiso ni el certificado de idoneidad que lo autoriza a portar pistolas o revólveres (C.G.S. §§ 29-28(b)(6) y 29-36f(b)(6));
2. Todo permiso o certificado de idoneidad que posea ahora será revocado y deberá entregar este permiso o certificado de idoneidad a las autoridades que lo expidieron en el término de cinco (5) días de notificársele que ha sido revocado. Si no entrega dicho permiso o certificado de idoneidad según se requiere, se le hallará culpable de un delito menor cuantía clase C que se sanciona con multa de hasta quinientos dólares, pena de reclusión de hasta tres meses o ambas penas (C.G.S. §§ 29-32 y 29-36i);
3. Deberá entregar todas las pistolas, revólveres y otras armas de fuego a una persona idónea para poseérlas o entregarlas al Comisionado de Seguridad Pública en el término de los dos días hábiles siguientes a la imposición de esta orden. Si no lo hace así, será sancionado con multa de hasta cinco mil dólares, o con una pena de reclusión por un máximo de cinco años o ambas penas (C.G.S. §§ 29-36k y 29-33); y
4. Si Ud. posee una pistola o revólver, un arma de fuego o un arma electrónica de defensa de cualquier tipo, después de que se le ha notificado de esta orden y se ha tenido la oportunidad de oírle, se le hallará culpable de tenencia ilegal de una pistola o revólver o de tenencia ilegal de un arma de fuego o de un arma electrónica de defensa. Estos son delitos graves clase D, que se sancionan con multa de hasta cinco mil dólares, o con pena de reclusión por un máximo de cinco años o ambas penas (C.G.S. §§ 53a-217(a)(3) y 53a-217c(a)(5)). El Tribunal no podrá suspender ni reducir los dos años [obligatorios] de la condena impuesta por Tenencia Ilegal de un Arma de Fuego o de un Arma Electrónica de Defensa. (C.G.S. § 53a-217(b)).

TITLE, ALLEGATION AND COUNTS

STATE OF CONNECTICUT VS (Name of Accused) G. A. NO. DOCKET NO.

ADDRESS

CITY HELD AT (Town) COURT DATE

The undersigned Deputy Assistant State's Attorney of the Superior Court of the State of Connecticut on oath of office charges that said Deputy Assistant State's Attorney has reason to believe and does believe that:

FIRST COUNT- DID COMMIT THE OFFENSE OF	CONTINUED TO	PURPOSE	REASON
(Town) ON OR ABOUT (Date) IN VIOLATION OF GENERAL STATUTE NO			
SECOND COUNT DID COMMIT THE OFFENSE OF			
(Town) ON OR ABOUT (Date) IN VIOLATION OF GENERAL STATUTE NO			
THIRD COUNT- DID COMMIT THE OFFENSE OF			
(Town) ON OR ABOUT (Date) IN VIOLATION OF GENERAL STATUTE NO			

SEE OTHER SHEET(S) FOR ADDITIONAL COUNTS DATE SIGNED (Deputy Asst State's Attorney)

COURT ACTION

DEFENDANT ADVISED OF RIGHTS BEFORE PLEA (DATE) BOND SURETY 101A CASH ELECTION (Rate) CT JY

ATTORNEY PUB. DEFENDER GUARDIAN BOND CHANGE SEIZED PROP. INVENTORY NO.

UNIT	PLEA DATE	PLEA	PLEA WITHDRAWN		VERDICT FINDING	FINE	REMIT	ADDITIONAL DISPOSITION
			DATE	NEW PLEA				
						\$	\$	
2						\$	\$	
3						\$	\$	

OTHER COURT ACTION

JUDGE

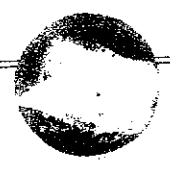
For Training Purposes Only

RECEIPT NO. COST IMP NCJ BOND INFORMATION BOND FORFEITED FORFEITURE VACATED FORFEITURE VACATED AND BOND REINSTATED

LOCATION FEE - RECEIPT NO. CIRCLE ONE PROGRAM FEE - RECEIPT NO. CIRCLE ONE PROBATION FEE - RECEIPT NO. CIRCLE ONE

W I Q W I Q W I Q

STATE'S ATTY. ON ORIGINAL DISPOSITION REPORTER/MONITOR ON ORIG. DISP. SIGNED (Clerk) SIGNED (Judge)



Family Violence Offense Report

State of Connecticut
Department of Public Safety

(Print or type all entries. See other instructions on the reverse side of this form.)

1. Arrest Yes <input type="checkbox"/> No <input type="checkbox"/>	2. If Zero Reporting, Enter Period Covered (MM/YY) _____	3. Case Number _____	4. Local PD Name _____	5. Offense Town Code _____	6. Offense Date _____	7. Offense Time _____
OFFENSE CODES A. Homicide D. Sexual Assault G. Breach of Peace B. Assault E. Criminal Mischief H. Disorderly Conduct C. Kidnapping F. Risk of injury I. Other/Violation Court Order						
WEAPONS CODES A. Firearm C. Other Dangerous Weapon (specify) _____ B. Knife D. Hands, Fists, Feet, etc.						
INJURY CODES A. Serious Physical Injury C. No Apparent Physical Injury B. Minor Physical Injury D. Fatal						
STATUS CODES V. Victim RELATIONSHIP CODES: *O. Offender A. Spouse *B. Both/All B. Former Spouse C. Other relative residing in the home *Only when arrested for actual family violence						
*Only when arrested for actual family violence						
19. Prior Court or Foreign Orders? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown						
20. A Child under 18 years old was: <input type="checkbox"/> A. Involved <input type="checkbox"/> B. Present <input type="checkbox"/> C. N/A						
21. Remarks (optional) _____ _____ _____						
22. Officer's Name & Rank _____						
23. Badge Number _____						
24. Date of Report _____						
25. Supervisor's Signature & Rank _____						

Instructions

- Box 1: Check "Yes" if an arrest was made as a result of this incident.
- Box 2: For local police agencies only: If, at the end of any month, a police department has not submitted an offense report for which an arrest was made, that agency shall submit a "zero report" by completing only boxes 2, 4, 5 and 24-25 on an otherwise blank form. In block #2 enter the month and year using two digits for the month and four digits for the year, i.e., 01/00 represents January 2000.
- Boxes 3-5: Self explanatory
- Box 6-7: If an offense is ongoing, choose a date and time that the offense is reported to have begun.
- Box 8: Self explanatory, except threatening, harassment, and reckless endangerment can be reported as either a breach of peace or as disorderly conduct. Report codes for EACH type of offense present in the offense.
- Box 9: Enter the NUMBER of each type of weapon used, although it is not necessary to quantify each body part (hand fist, foot, tooth, etc) used. If "other dangerous weapon" is selected, write in the object used.
- Box 10: If more than one victim, use the injury code which best describes the most serious type of injury sustained by any victim.
- Box 11: Status: enter V for victim, O for offender and B for both when both or all parties were arrested. Do not include those persons arrested for related charges, such as interfering. Persons identified as offenders or both must have been arrested for violence against domestic members.
- Boxes 12-16: Self explanatory. If DOB is unknown enter the age or approximate age.
- Box 17: Describe the relationship of the VICTIM to the offender. If more than one offender, describe the closest relationship to any offender.
- Box 18: Indicate for each participant whether drug/alcohol usage is believed to be involved.
- Box 19: Indicate whether a prior court order(s), including foreign order(s), applies to the offense participants.
- Box 20: A child is someone under 18 years old who is not functioning in an adult relationship, e.g., not a parent or live-in.
- Box 21: Use REMARKS to explain entries that appear confusing, e.g., same last names but unrelated parties.
- Boxes 22-25: Self explanatory.

IF AN ARREST IS MADE

Local Police Officers

Send the completed original form (white copy) to Department of Public Safety, Crimes Analysis Unit, P. O. Box 2794 Middletown, CT 06457-9294.
The second copy (yellow) is directed to the State's Attorney of the appropriate court.
Retain the pink copy in local agency files.

State Police Troopers

Send the completed original form (white copy) to Department of Public Safety, Crimes Analysis Unit, P. O. Box 2794 Middletown, CT 06457-9294.
The second copy (yellow) is directed to the State's Attorney of the appropriate court.
The third copy (pink) is sent to Reports & Records with the investigation report.
Make two photocopies, one for the troop incident file and one for the arresting trooper's files.

IF NO ARREST IS MADE:

Local Police Officers

Keep all three copies in department files.

State Police Troopers

Send original to Reports & Records (do not enter into SPRA/MIS)
Retain second and third copies in troop incident files.

Distribution of Forms

**SEARCH AND SEIZURE WARRANT
FIREARMS - PERSON POSING RISK
TO SELF OR OTHERS**

JD-CR-129 Rev. 3-2000
Public Act 99-212 § 18

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.state.ct.us



INSTRUCTIONS TO APPLICANT

File a copy of the application for the warrant and all affidavits upon which it is based with the clerk of the court for the G.A. within which the search will be conducted no later than the next business day following the execution of the warrant.

INSTRUCTIONS TO G.A. CLERK

If the person named in the warrant resides in a different G.A. from where the search is conducted, immediately transfer file to G.A. where person resides. Schedule hearing within 14 days of execution of warrant. If property ordered continued to be held, notify DMHAS and State Police Firearms Licensing.

NAME OF PERSON POSING RISK

ADDRESS OF PERSON POSING RISK

ADDRESS TO BE SEARCHED FOR WEAPON

TO: A Judge of the Superior Court

The undersigned, being duly sworn, complains on oath that the undersigned has/have probable cause to believe that:

- (1) The above-named person poses a risk of imminent personal injury to himself/herself or to other individuals,
- (2) The above-named person possesses one or more firearms, and
- (3) Such firearm(s) are within or upon any place, thing or person, to wit:

The undersigned have conducted an independent investigation and have determined that probable cause exists to enter into or upon such place or thing and search the same or the person and to take into custody any and all firearms and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself/herself or to others with such firearms.

The facts establishing the grounds for issuing a Search and Seizure Warrant are as follows:

- Recent threats or acts of violence by such person toward himself/herself or others (*Specify*):
- Recent acts of cruelty to animals as provided in C.G.S. § 53-247(b) (*Specify*):
- Reckless use, display or brandishing of a firearm (*Specify*):
- A history of the use, attempted use or threatened use of physical force by such person against other persons (*Specify*):
- Prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities (*Specify*):

Illegal use of controlled substances or abuse of alcohol by such person (Specify):

This application consists of this form plus _____ pages attached hereto and made a part hereof.

Wherefore the undersigned requests that a warrant may issue commanding a proper officer to search said person or to enter into or upon said place or thing, search the same, and take into custody all such firearms.

STATE OF CONNECTICUT

CITY/TOWN		DATE	SIGNATURE AND TITLE OF AFFIANT
JURAT	Subscribed and sworn to before me on:	DATE	SIGNED (Judge of the Superior Court)

SEARCH AND SEIZURE WARRANT

STATE OF CONNECTICUT
SUPERIOR COURT

The foregoing Affidavit and Application for Search and Seizure Warrant for a Firearm having been presented to and been considered by the undersigned, a Judge of the Superior Court, the undersigned (a) is satisfied therefrom that grounds exist for said application, and (b) finds that said affidavit established grounds and probable cause for the undersigned to issue this Search and Seizure Warrant, such probable cause being the following: From said affidavit, the undersigned finds that there is probable cause for the undersigned to believe the above named person poses a risk of imminent personal injury to himself/herself or to other individuals, the above named person possesses one or more firearms, such firearm(s) are within or upon the place, thing or person named in the foregoing application and affidavit, and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself/herself or to others with such firearm(s), and that, therefore a Search and Seizure Warrant should issue for said firearm(s).

NOW THEREFORE, by Authority of the State of Connecticut, I hereby command any Police Officer of a regularly organized police department or any State Police Officer to whom these presents shall come within a reasonable time after the date of this warrant to

enter into or upon and search the place or thing described in the foregoing affidavit and application, to wit:

search the person described in the foregoing affidavit and application, to wit:

for the property described in the foregoing affidavit and application, to wit:

and upon finding said property to seize the same, take and keep in your custody or transfer custody to the appropriate state agency until further order of the court, and make due return of this warrant accompanied by a written inventory of all property seized to the clerk for the geographical area within which the search will be conducted no later than the next business day following execution of the warrant.

Signed at	Connecticut, on:	DATE	SIGNED (Judge of the Superior Court)
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NOTICE TO SUBJECT OF WARRANT

You have the right to a hearing to determine whether the seized firearms should be returned to you or whether the firearms should continue to be held by the state. You have the right to be represented by counsel at such hearing, which hearing will be held not later than 14 days after the execution of the above warrant. You will receive a notice of the date, time and location of that hearing.

At the hearing, the state shall have the burden of proving all material facts by clear and convincing evidence. If after such hearing the court finds by clear and convincing evidence that you pose a risk of imminent personal injury to yourself or to other individuals, it may order that the firearm or firearms seized pursuant to the warrant continue to be held by the state for a period not to exceed one year, otherwise the court shall order the seized firearm or firearms to be returned to you.

RETURN FOR AND INVENTORY - PROPERTY SEIZED ON SEARCH AND SEIZURE WARRANT

JUDICIAL DISTRICT OF	G.A.	AT (Address of court)		
DOCKET NO. CV-	POLICE CASE NO.	DATE OF SEIZURE	INVENTORY CONTROL NO.	

Then and there by virtue of and pursuant to the authority of the foregoing warrant, I searched the person, place or thing named therein, to wit:

and found thereon or therein, seized, and now hold in, custody, or transferred to the state, taking a receipt therefore, the following firearms:

and I gave a copy of such warrant to _____, the person named therein,
on (Date): _____

DATE OF THIS RETURN	SIGNED (Officer's signature and department)
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ORDER OF THE COURT ON HEARING FOR RETURN OF PROPERTY

After hearing to determine whether the foregoing seized firearms should be returned to the person named in the warrant or should continue to be held by the state:

- The court finds by clear and convincing evidence that the person named in the warrant poses a risk of imminent personal injury to himself or herself or to other individuals. The court orders that the firearm(s) seized pursuant to the foregoing warrant CONTINUE TO BE HELD BY THE STATE FOR A PERIOD OF:

SPECIFY PERIOD (Not to exceed one year)

The court shall retain jurisdiction over this matter during the period that said firearm(s) are ordered held. On motion of the person named in the warrant or the prosecuting official, and for good cause established by clear and convincing evidence, the court may modify said order by (1) ordering the immediate return of the firearm(s), (2) decreasing the period that the firearm(s) are held, or (3) increasing the period that the firearm(s) are held provided that the total period the firearm(s) are ordered held shall not exceed one year.

(Continued)

ORDER OF THE COURT ON HEARING FOR RETURN OF PROPERTY (Continued)

Notwithstanding the foregoing, any person whose firearm or firearms have been ordered seized pursuant to the above warrant and order of the court, or such person's legal representative, may transfer such firearm or firearms in accordance with the provisions of section 29-33 of the general statutes, or other applicable state or federal law, to any persons eligible to possess such firearm or firearms. Upon notification in writing by such person, or such person's legal representative, and the transferee, the head of the state agency holding such seized firearm or firearms shall within ten days deliver such firearm or firearms to the transferee.

The court orders the firearm(s) returned to the person named in the warrant.

BY ORDER OF THE COURT (Name of Judge)	SIGNED (Judge, Clerk)	DATE SIGNED
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NOTICE OF ORDER OF COURT

NOTICE is hereby given of the foregoing Order of the Court. You are directed to complete and file with this court the Return of Compliance.

TO (Name of state agency)		
FROM (Name of court)	SIGNED (Clerk of Court, Authorized Assistant)	DATE SIGNED

The undersigned represents that the person or department having custody or possession of said property has complied with the above Order of the Court by turning said property over to:

RETURN OF COMPLIANCE

Name of individual Title of individual Date turned over

NAME OF STATE AGENCY	SIGNATURE AND TITLE	DATE
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I acknowledge receipt of the item(s) listed below and relieve the above State Agency of responsibility for said item(s).

ITEM	SIGNED (Owner/Agent)	RELEASE BY (Print name)	DATE RELEASED

POST Memo

Date: 8/31/07

To: Law Enforcement

From: Stan Konesky Jr.

RE: 2007 Domestic Violence New Laws: PA 07-123 / PA 07-78

Highlights:

- Police officers issuing COR in certain conditions (NEW)
- Reminder to check NCIC prior to releasing a person from custody
- Civil protection for police when issuing a COR
- Two criminal degrees of violation of a COR (1st Degree = felony / 2nd degree = misdemeanor)
- Expands Standing Criminal Restraining Order
- New definition of “Electronic Defense Weapon” (EDW)
- EDW includes the Taser and any other conducive energy defense weapon
- NEW – includes seizing not only a firearm but electronic defense weapons at a domestic violence location for 7 days
- NEW penal code laws on three degrees of strangulation
- PA-78 Act concerning protection of pets in domestic violence cases

Effective date of this new law is October 1, 2007.