

CANTON'S COMMITMENT TO COMBAT DOMESTIC VIOLENCE

In recognition of October as Domestic Violence Awareness Month, the Canton Police Department will publish a weekly series of articles about family violence. This is the final of the four articles.

Connecticut has several types of *orders of protection* available for victims of family violence, including:

- a. Restraining Order (RO)
- b. Protective Order (PO)
- c. Standing Criminal Protective Order (SCPO)
- d. Foreign Orders of Protection
- e. Conditions of Release (COR) (that include “no contact with the victim” and “not to use or possess dangerous weapons.”)

Implicit in the issuance of an order of protection is a court’s finding that a named protected party is in imminent danger or risk of harm, from a named, identified respondent. In the interest of immediacy, and in light of the threat always present when an order of protection is violated, coupled with the statutory mandate to arrest, officers will make a warrantless arrest of any person the officer witnesses or has probable cause to believe has violated an order of protection.

It is important 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.***

In Connecticut, ***Restraining*** orders are different from ***Protective*** orders.

- ***Protective*** orders are made by a criminal court judge against a person who was arrested for stalking, harassment, or for a family violence crime.
- ***Restraining*** orders are made by a civil court judge after a person files an Application for Relief from Abuse.

Each type of order has specific characteristics, requirements for issuance and penalties for violation.

Multiple Orders

1. 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.
2. 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.
3. 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.
4. Offenders also may be subject to more than one of any type of order, with the same victim or different victims.

5. In some cases, a judge may issue, as part of a criminal sentence, a SCPO 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. (Note that some protective orders may be issued and effective during an offender's period of probation).

Verification of an Order

When an officer is advised that a RO and/or PO against the offender is in effect, the officer will 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).
- During business hours, contact the clerk of the court in the judicial district or geographic area where the order was issued.

Enforcement of Foreign Jurisdiction Orders of Protection

1. 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.
2. Connecticut statutes provide 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.
3. **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 under Connecticut's penal code.**
4. When presented with a foreign jurisdiction *order of protection*, an officer will 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 a state's attorney to determine how the foreign jurisdiction order

of protection should be enforced.

5. An officer who believes that an offender may have violated a provision of the federal family violence laws will 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.
6. **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, as Connecticut and federal law can have concurrent jurisdiction.**

For additional information- call the Canton Police Department at 860-693-7972. You can also learn more about Domestic Violence and 'Orders of Protection' through the link to the Connecticut Coalition of Domestic Violence: www.ctcadv.org .