

## CHAPTER 1.0

### DEPARTMENTAL ROLE AND AUTHORITY

#### 1.1 DEPARTMENTAL AUTHORITY

##### 1.1.1 Legal authority

Sworn officers of the Coventry Police Department shall be bound by and shall uphold the Constitution of the United States of America and the Constitution of the State of Connecticut.

The sworn officers of the Coventry Police Department are empowered under section 7-148(c)(4)(A) of the Connecticut General Statutes and section 62-31 of the Town of Coventry Code of Ordinances.

Pursuant to sections 62-32 and 62-33 of the Town of Coventry Code of Ordinances, the chief of police is responsible for the general direction, supervision and control of the police department. Further, the chief of police, with the approval of the town council, is authorized to organize such police department with such subordinate officers and other members as may be necessary, within the budget appropriation provided therefore.

Sworn officers of the Coventry Police Department shall enforce all Federal and State laws, and the ordinances of the Town of Coventry.

Title 54 - chapters 959 and 960 of the Connecticut General Statutes details the authority of law enforcement officers regarding;

1. Arrest
2. Search and Seizure
3. Wiretaps and electronic surveillance
4. Information, procedure and bail

All sworn officers of the Coventry Police Department shall be governed by and be familiar with, the provision of said title.

##### 1.1.2 Oath of Office

Prior to assuming sworn status, all sworn personnel shall take and subsequently abide by an oath of office to uphold the Constitution of the United States, to enforce the law and to faithfully and impartially discharge and perform all duties incumbent upon them as a police officer in the Town of Coventry. The oath of office for sworn members of this agency appears as appendix A of this directive.

Upon promotion, members of the agency shall take an oath of office consistent with that position.

##### 1.1.3 Law Enforcement Code of Ethics

All members of the Coventry Police Department shall abide by the Law Enforcement Code of Ethics, a copy of which appears as appendix C of this directive. Ethics training will be conducted for all personnel at least biennially. Such training may include information

distributed during shift briefings, training publications, video presentations or classroom training.

#### **1.1.4 Discretion**

All sworn officers of this department are expected to use discretion when exercising their legal authority to carry out assigned responsibilities. Discretion is the power of free decision or latitude of choice within legal guidelines. When discretionary power is poorly exercised, it may be viewed by the public as bias, favoritism or even corruption. Therefore, when exercising discretion in the performance of duty, it is imperative that officers take into consideration the goals and objectives of the department, the best interest of the citizenry, and any mitigating circumstances surrounding each incident.

A "totality of circumstances" approach should be considered by officers at all times during the performance of duty, especially when exercising arrest authority. Officers must consider the situation with which they are confronted, policy and procedure, and possible alternative resolutions.

The use of discretion should be carefully reviewed and restricted in felony situations. Greater latitude of discretionary judgment will be permitted in the investigation of misdemeanors, infractions, motor vehicle offenses, or town ordinances. Each officer will be held accountable for the proper use of discretion in any given situation.

#### **1.1.5 Alternative to physical arrest**

An individual's right to freedom must be a primary consideration of all officers in the performance of their sworn duties. Whenever a situation warrants, and a law violator can be brought to justice without incarceration while still providing for the public safety, officers are encouraged to select a suitable alternative. Physical arrest should only be used after other acceptable and legal options have been deemed inappropriate.

Alternatives to arrest include:

1. Issuance of summons
2. Referral to social service agency
3. Verbal warning
4. Informal resolution

#### **Referrals**

Officers must realize that many of the human problems with which they deal demand the attention of professionals in the social service field. The safeguarding of human life, to include the preservation of dignity, is a primary goal of the Coventry Police Department. Towards that end, officers of this agency should make appropriate referrals when such referral will effectively resolve a situation and help a person in need.

#### **Informal Resolution**

Officers have at their disposal numerous alternatives for creatively resolving situations. Included are mediation, negotiation, parental notification, and many other appropriate and legally permissible actions.

### **1.1.6 Consular notifications and procedures regarding foreign nationals and Immigration Enforcement Policies**

Members of the Coventry Police Department shall make notifications pursuant to regulations and official instructions issued by the United States Department of State. Guidelines published by the State Department entitled Consular Notification and Access are available in the dispatch area for reference. These guidelines can also be accessed at [https://travel.state.gov/content/dam/travel/CNAtrainingresources/CNA%20Manual%205th%20Edition\\_September%202018.pdf](https://travel.state.gov/content/dam/travel/CNAtrainingresources/CNA%20Manual%205th%20Edition_September%202018.pdf)

In the event it is necessary to notify a foreign consular, the officer making the notification shall document the details in their report and forward a copy to the chief of police.

Enforcement of Immigration laws are under the purview of the US Department of Homeland Security's Immigration and Customs Enforcement (ICE). Members of the agency are not to engage in a formal or informal practice of immigration enforcement. The agency will be guided by the Department of Homeland Security position paper (dated 2011) on the level of assistance and cooperation given to federal agents in the enforcement of Immigration laws. A copy of this document is attached as Appendix D of this chapter as well as being located at <http://www.dhs.gov/xlibrary/assets/guidance-state-local-assistance-immigration-enforcement.pdf>

Members of the department shall not insure as to the individual's immigration status during routine police interactions.

### **1.1.7 Civil Immigration Detainers**

Pursuant to Connecticut Public Act 19-23 (formerly Connecticut General Statute 54-192h), no law enforcement officer shall:

- A) Arrest or detain an individual pursuant to a civil immigration detainer unless
  - the detainer is accompanied by a warrant issued or signed by a judicial officer,
  - the individual has been convicted of a class A or B felony offense, or
  - the individual is identified as a possible match in the federal Terrorist Screening Database or similar database;
- B) Expend or use time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration detainer, except as provided in subsection (e) of this section;
- C) Arrest or detain an individual based on an administrative warrant;
- D) Give a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency unless the individual
  - has been convicted of a class A or B felony offense
  - is identified as a possible match in the federal Terrorist Screening Database or similar database, or
  - is the subject of a court order issued under 8 USC 1225(d)(4)(B); which means an order of a United States district court.

- E) Perform any function of a federal immigration authority, whether pursuant to 8 USC 1357(g) or any other law, regulation, agreement, contract or policy, whether formal or informal.

The provisions of this directive shall not prohibit submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification System (AFIS) of an arrested individual or the accessing of information from the National Crime Information Center (NCIC) by a law enforcement officer concerning an arrested individual.

Prior to responding to a request for notification of the release date and time from custody of a law enforcement agency of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, the law enforcement officer shall forward the request to the chief of police for review.

Any confidential information of an individual who comes into contact with a law enforcement officer may be disclosed to a federal immigration authority only if such disclosure is:

- (1) Authorized in writing by the individual to whom the information pertains, or by the parent or guardian of such individual if the individual is a minor or not legally competent to consent to such disclosure;
- (2) Necessary in furtherance of a criminal investigation of terrorism;
- or
- (3) Otherwise required by law.

Upon receiving a civil immigration detainer, a law enforcement agency shall provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer. If a law enforcement agency provides ICE with notification that an individual is being, or will be released on a certain date, the law enforcement agency shall promptly provide to the individual and to the individual's attorney or shall make a good faith effort to contact one other individual who the individual may designate, a copy of such notification as well as the reason, in writing, that such law enforcement agency is complying with the detainer.

All records relating to ICE access maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act, as defined in section 1-200. Records relating to ICE access include, but are not limited to, data maintained by the law enforcement agency regarding the number and demographic data of individuals to whom the agency has provided ICE access, the date ICE access was provided to an individual, the type of ICE access provided to an individual, the amount of resources expended on providing ICE access and any communication between the law enforcement agency and any federal immigration authority. No provision of this section shall be construed to require disclosure of any record exempt from disclosure under section 1-210 or 1-215 (FOIA).

Public Act 19-23 requires that the town council report to the state Office of Policy and Management (OPM) any time the agency provides ICE access to an individual who is or was in our custody. Therefore, any time any member of this agency contacts ICE regarding a detainee or subject who is under investigation, that member shall immediately notify a supervisor, who shall in turn notify the chief of police.

### **1.1.8 Biased Based Profiling**

Bias based policing may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based policing alienates citizens, fosters distrust of

law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.

Members of the department are prohibited from conducting biased based policing. Biased based policing is the selection of individuals based in whole or in part upon the common trait of a group. Prohibited profiling practices are defined as the stopping, detention, interdiction, search, asset seizure and forfeiture efforts, or other disparate treatment of an individual based on the race, color, ethnicity, age, gender, religion, cultural group, economic status, disability, sexual orientation, gender identity or any other identifiable group characteristics; and the action would constitute a violation of the civil rights of the person. Officers must have reasonable suspicion supported by specific articulable facts that the person contacted has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others.

Members of the department shall receive training in biased based profiling issues including legal aspects.

Supervisors shall be alert to and respond to indications that biased based profiling is occurring. In addition, each member of the agency is responsible for reporting incidents which they believe constitute biased based profiling. Should a prohibited biased based profiling incident occur, the situation shall be documented and brought to the attention of the chief of police. The appropriate corrective measures shall be taken consistent with agency regulations regarding discipline.

The chief of police shall conduct an annual administrative review of agency practices including citizen concerns. The review shall be in writing.

Information regarding the gender and ethnicity of vehicle operators or other persons stopped by officers shall be recorded as described in chapter 5.0 of these directives and by Connecticut General Statute 54-1m. In addition, the chief of police shall provide a copy of each complaint received pursuant to this section, and written notification of the review and disposition of such complaint to the Chief State's Attorney's Office and the State Office of Policy and Management as required by law.

#### **1.1.9 Citizen's Right to Video or Audio Record**

The mere act of video or audio recording of members of the Coventry Police Department engaged in their official duties is not prohibited by federal or state statute, Coventry Town ordinance or case law.

All agency personnel are informed that video or audio recording of police activity is permissible as long as such recording does not interfere with ongoing police activity or jeopardize the safety of the general public or police.

Any officer of the Coventry Police Department who determines that a person video recording police activity has committed or is about to commit a crime should take the appropriate enforcement action consistent with applicable law as well as any applicable directives of the Coventry Police Department.