

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

Plaintiff,

V.

TOWN OF EAST HAVEN AND THE EAST  
HAVEN BOARD OF POLICE  
COMMISSIONERS,

Defendants.

CIVIL NO. 3:12-CV-1652 (AWT)

September 25, 2015

**NOTICE OF FILING OF JOINT COMPLIANCE EXPERT’S 30 MONTH  
COMPLIANCE REPORT**

In accordance with Paragraph 198 of the Modified Agreement for Effective and Constitutional Policing (“Agreement”) entered by the Court on December 19, 2014, the parties, on behalf of the Joint Compliance Expert Rafael Ruiz, hereby file the 30- Month Compliance Report prepared by the Joint Compliance Expert. For future reference, this 30 Month Report is entitled “Agreement for Effective and Constitutional Policing 30 Month Compliance Report” and is dated September 24, 2015.

Respectfully submitted this 25 day of September, 2015.

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**CERTIFICATION**

I hereby certify that on July 19, 2013, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

A copy of the foregoing was mailed to:

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# **United States of America v. Town of East Haven and East Haven Board of Police Commissioners**

Agreement for Effective and Constitutional Policing  
30 Month Compliance Report

Prepared by:  
Rafael Ruiz, Joint Compliance Expert  
Joan Brody, JCE Team Coordinator  
September 24, 2015

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## INTRODUCTION

Rafael Ruiz of O'Toole Associates, LLC, the Joint Compliance Expert (JCE) overseeing the **Agreement for Effective and Constitutional Policing** or Settlement Agreement (SA) between the Town of East Haven and East Haven Police Department (EHPD) and the U.S. Department of Justice (USDOJ), submits this report of the JCE's findings with respect to the first 30 months of the Settlement Agreement ending on June 30, 2015. As outlined in each of the JCE's six-month reports, the JCE understands its task to be three-fold:

- 1) The JCE must ensure that the EHPD is meeting all material requirements and all deadlines specified in the various paragraphs of the Settlement Agreement;
- 2) The JCE must, over time, make a more generalized assessment of whether or not the process outlined in the Settlement Agreement is achieving the desired outcomes, namely "constitutional policing, increased community trust, and professional treatment of individuals by the EHPD officers;" and
- 3) The JCE must review and evaluate all serious and significant incidents involving the EHPD. These include any serious uses of force, any complaints alleging significant misconduct, or any other event that rises to the level of being newsworthy or notorious.

As agreed in discussions with the Parties, to accomplish these tasks, the JCE will provide both qualitative and quantitative measurements of outcomes 30 months after the Settlement Agreement effective date of December 21, 2012. This report has two sections. Section I presents a narrative overview of compliance milestones achieved or in the process of being completed by the EHPD during the last 30 months. In Section II, the JCE tracks the current compliance level, discusses the progress to-date, makes recommendations for enhancements and describes the basis upon which this assessment is made for each of the 224 paragraphs (numbered 10-233) in the Settlement Agreement for the reporting period January 1, 2015 through June 30, 2015.

## **SECTION I. JCE SUMMARY**

**JCE NOTE:** THE TERMS HISPANIC AND LATINO/A, AS USED IN THIS REPORT, ARE USED INTERCHANGIBLY.

For the last six months, the East Haven Police Department (EHPD) has continued to make progress towards full compliance with the Settlement Agreement (SA). The JCE and the Parties, the U.S Department of Justice (USDOJ) and the Town of East Haven, continue to stay in constant contact as per the Settlement Agreement. The high level of collaboration among the Parties continues to be very positive and, as a result, EHPD has received accolades from the local community and from around the nation for its quick turn-around of the Department.

The EHPD has received invitations from other cities and towns to make presentations on its accomplishments. For example, they received an invitation from the U.S. Attorney from Massachusetts to be a featured speaker at a conference hosted by the College of Holy Cross on May 27, 2015 in Worcester, MA. The EHPD has also received positive reviews from media outlets, such as the *New Haven Register* newspaper of Connecticut. In addition, community members and clergy members have also made positive comments to the paper and in community forums about the progress made by the EHPD in working with the community. The newly appointed US Attorney General, Loretta Lynch, praised the Department when she met with community leaders and police personnel during a site visit to the East Haven Police Department in July 2015. The EHPD has also increased its commitment to community policing by assigning more officers to bicycle patrol, conducting a successful citizens police academy and by opening two mini-substations.

Nevertheless, the EHPD still has additional work to do in furtherance of the Settlement Agreement. For example, the JCE has found that some EHPD Supervisory Review of Use of Force reports are lacking in a number of areas, which may point to the need for additional training in the process of Supervisory Review report writing. It appeared to the JCE that the supervisors had the sufficient information needed to complete these reviews properly, but failed



to document all thoroughly. The JCE notified the EHPD about these issues.

During this reporting period, the JCE continued to meet with community members and business owners in East Haven and has visited several stores owned by Latino East Haven residents. The feedback has been very positive. More detail is provided below under the section “Community Engagement.”

The JCE has also reviewed and approved, along with the Parties, seven new policies and five modifications of existing policies. The Parties also agreed to recommend to the Court the following two modifications to the Settlement Agreement:

- **Use of Force Reviews by Supervisors:** All Parties agreed that due to the size of the EHPD, it is **acceptable**, going forward, to have the same supervisor, who might have witnessed an incident, also conduct the use of force review, **but only in minor cases, and only in the rare circumstance when there is no other supervisor available**. In all major cases, an independent supervisor will do the review (this is normal EHPD practice). However, the JCE will keep monitoring all use of force reviews and will bring it to the attention of EHPD when and if necessary.
- All Parties also agreed that the **unholstering of a weapon** (firearm or Taser) while not pointing it at a human being, does not constitute a Use of Force, thus it does not require a use of force review process. Further, the unholstering of the weapon will be documented on a regular police incident report by EHPD. The EHPD will train/advise supervisors on this issue. The JCE will monitor this change going forward.

During the last six months, the JCE reviewed a random sample of arrest reports, supervisory reports, all search warrants, and search warrant applications and affidavits. The JCE also received and reviewed an analysis of motor vehicle (M/V) stops data, and the Early Intervention System (EIS)/Internal Affairs Officer (IAO) database and found them to be in order. Proper procedures were followed in every case. In addition, the JCE thoroughly reviewed all use of force reports and found them to have complied with established practices and EHPD’s policies.

More details on these issues are provided below under the Settlement Agreement seven focus areas, which are: I.) General Policies and Training; II.) Bias-Free Policing; III.) Stops, Searches, and Seizures; IV.) Use of Force; V. Civilian Complaints, Internal Investigations, and Discipline; VI.) Supervision and Management; and VII.) Community Engagement and Oversight.

**I.) General Policies and Training**

**General Policies and Training Policies and Procedures Manual:** In the 30 months since the East Haven Settlement Agreement was enacted, the EHPD has developed and implemented 94 approved policies and procedures.

Within the last six months, the following five policies were completely rewritten and/or reviewed and revised based on input from EHPD officers, the JCE, the USDOJ and the East Haven Board of Police Commissioners:

209.2 – Discipline Guidelines Matrix

406.3 – Use of Less Lethal Force

415.3 – Domestic Violence

416.3 – Domestic Violence Involving Police Personnel

424.3 – Misdemeanor Summons Arrests

Seven new policies were issued during the reporting period:

309.1 – Employee and Equipment Inspections

310.1 – Travel Expenses of Department Employees

311.1 – Military Leave

441.1 – Domestic Violence Lethality Assessment Program

442.1 – Crisis Intervention Team (CIT)

704.1 – Canine Unit Drug Lab Management

## 802.1 – Sensitive Media and Disposal/Sanitation

One policy classification or policy number change was also made:

## 312.1 – Retired Officers Firearms Requirement

The EHPD has completed training for all 94 policies and procedures. The JCE anticipates that additional revisions and new policies and training will be completed in the coming year. The entire EHPD Policies and Procedures Manual is available on-line as well as at the Haganan Public Library, East Haven Town Hall and in the Police Department. The JCE had an opportunity to visit these sites and found the Manual at these locations. The JCE will continue to monitor that all copies are current.

**Policy Training:** The EHPD conducted numerous trainings between January 1, 2015 and June 30, 2015 and provided the JCE with a roster of attendees that completed these trainings. The EHPD again split employees into three different training squads, with approximately twenty people in each, to allow them to better balance staffing levels and to reasonably control overtime costs. After reviewing the training schedule for 2015, the JCE coordinated a site visit on June 3, 2015 to audit on-going In-Service Training. The courses audited were: Bias-free Policing; Stop, Search, and Arrest; and Use of Force.

- In the morning class, the instructor used videos of recent incidents on use of force (video of a pregnant woman being arrested) as a sample for class discussion. The class was very involved, asking appropriate questions on the issue of use of force. The instructor talked about the potential legal remedies for the unlawful use of force. In the afternoon, the instructor continued briefly with the subject of use of force. He then turned to the subject of search and seizures and used sample cases and had the class discuss and make decisions based on situations he described to the class.
- There were lively discussions among the class and with the instructor. The instructor refreshed the class on the subject of Profiling, but did not elaborate, as he said there were no new issues since he last taught the class at EHPD. The JCE noted that the class was

composed of 17 mostly early career (aged mid-20's and early 30's) officers. Three students were female, and one of the female students was African American. There were two African American males and one Latino male. A total of four minorities were present. Here, again, the JCE noted the commitment of EHPD to a diverse police force. Just less than two years ago, the JCE remembers entering the EHPD headquarters and did not see a minority officer in the station. This time, the JCE not only saw minority officers participating in the In-service class, but also noticed an African-American Lieutenant at the front desk who was the shift commander on this particular day. Here, once again, one can see evidence of EHPD's commitment to diversity in its police department.

## **II.) Bias-Free Policing**

The EHPD reports that, "The percentage of Hispanic drivers stopped by EHPD officers for the six-month period from January 1, 2015 through June 30, 2015 was 15.52 percent. Just over 75 percent (75.13 percent) of total motor vehicle stops were non-Hispanic white drivers or white drivers of an unknown ethnicity. The remaining stops conducted were of black (7.21 percent), Asian (0.82 percent), Indian (0.34 percent), Middle Eastern (1.09 percent) or unknown race (0.0 percent) operators."

The JCE noted that the Hispanic population in East Haven in 2010, as reported by the US Census, was only 10.3 percent as compared to 15.52 percent of Hispanic drivers stopped during this period. The JCE researched this discrepancy to determine whether EHPD officers were being biased against Hispanic drivers. The JCE determined that, in general, EHPD officers' actions do not indicate bias based on estimated population numbers in East Haven today. Please see result of this research in the next section (Stops, Searches and Seizures).

EHPD further reports that:

Certain violations require the investigating officer to take enforcement action to remove the vehicle and/or operator from the roadway, such as operating under suspension, operating without a license, operating under the influence, misuse or possession of stolen marker plate, operating without insurance, and/or active arrest warrants for the operator.

In total, 190 stops during this six-month time period had one of these situations in which the officer did not have discretion and was required to take some type of enforcement action. Of these 190 stops, 56 operators or 29.47 percent were Hispanic. 114 operators or 60 percent were white non-Hispanic. 18 operators or 9.47 percent were black.

The above numbers indicate that a high percentage of Hispanic drivers were targets of enforcement action, but one must keep in mind that officers had no discretion in these instances. As far as sanctions imposed, EHPD has informed the JCE that its officers almost never attend court hearings in these cases and, therefore, do not have any input on sanctions. Nevertheless, the JCE will continue to monitor this category in future reports to look for any signs of potential bias.

EHPD also reports that:

Of the stops in which officers have the ability to exercise discretion, 979 stops were of white non-Hispanic operators and resulted in 324 instances in which officers took formal enforcement action or 33.09 percent of stops in this category. In the same situation, 170 stops of Hispanic operators resulted in 63 instances in which officers took formal enforcement action or 37.05 percent of stops in this category. 87 stops of black operators resulted in 24 instances in which officers took formal enforcement action or 27.58 percent. 14 stops of Middle Eastern operators resulted in 4 instances in which officers took formal enforcement action or 28.57 percent.

The above numbers indicate that there was an approximately 4 percentage point difference between the formal action taken against Hispanic drivers versus white drivers. Given this difference, the EHPD went further and looked to determine whether there was any one officer who targeted Hispanic drivers at a higher rate than others. EHPD determined that, indeed, there was one single officer with a higher rate of stops of Hispanic drivers and notified the JCE that it has conducted an analysis of stops by this officer. The analysis revealed that this officer had a total of 88 stops. Out of those motor vehicle stops, 23 operators were identified as being of Hispanic ethnicity, which indicates a 26 percent stop rate for operators identified as Hispanics, considerably higher than the 15.52 percent overall stop rate for all EHPD officers. This officer

took enforcement action in 9 of those 23 stops, for a 39 percent rate. EHPD reported that this officer is a rookie with less than two years on the job. After a thorough investigation, which included viewing the officer's motor vehicle stops on cruiser and body mounted video cameras, EHPD reported that it does not appear that this officer was purposely targeting Hispanics. Nevertheless, this officer was counseled by his commander, and his immediate supervisor was made aware and instructed to monitor the officer. The JCE will continue to monitor this category in future reports to detect potential pattern of discriminatory policing.

During the reporting period, the EHPD reported that 49 vehicles were searched during stops, but that 34 of those searches were for inventory purpose, as required by EHPD policy (Policies and Procedures # 702), thus officers had no discretion. The remaining 14 searches, EHPD reported, resulted in 9 out of 1,094 (0.82 percent) stops of vehicles searched in which the operator was identified as white non-Hispanic, 3 out of 226 (1.32 percent) stops of vehicles in which the operator was identified as Hispanic, and 2 out of 105 (1.90 percent) stops of vehicles in which the operator was identified as black. EHPD said that contraband was located in 6 of these searches broken down as follows: 3 operators were white non-Hispanic, 2 were white Hispanics and 1 was Black non-Hispanic. Although the rates for vehicle searches of black and Hispanic drivers are higher than the rate for white drivers, the JCE determined that these numbers are too small, and not significant enough to rise to a level that indicates bias by EHPD officers. But, again, the JCE will continue to monitor these numbers.

### **III.) Stops, Searches, and Seizures;**

#### **Stops**

The EHPD reported that:

A review of the stop data collected and analyzed indicates that traffic stops from this reporting period are generally consistent with the racial and ethnic make-up of the driving population in East Haven, CT based on several sources including the USDOJ Civil Rights Division Findings Letter dated December 19, 2011.

The finding letter states that the percentage of Hispanic or Latino drivers in East Haven was 8.3

percent. Data from the 2010 U.S. Census shows East Haven's Hispanic population to be estimated at 10.3 percent. However, on May 12, 2015, U.S. News & World Report published its *Annual Report on the Best Ranked High Schools in America for 2015*. This report details statistics about the student body population at the East Haven High School. Minority enrollment in the East Haven High School is 24 percent of the total student body, of which Hispanic students represent 17 percent of the total student body. While the U.S. Census bureau reflects a Hispanic population of 10.3 percent, these data are from 2010 while the *U.S. News & World Report* data are from 2015 and based directly on student body demographics, which may be a more accurate representation of the Hispanic population in East Haven.

While there is a significant six percent difference in the Hispanic population cited by EHPD above (high school population versus general population), there is a high probability that the general Latino (or Hispanic) population in East Haven today is closer to the 17 percent (2013 high school Hispanic student population) than to 10.3 percent (2010 US Census of Hispanic population in East Haven). The JCE researched and compared the 2010 general Hispanic population versus the 2010 high school Hispanic student population of East Haven and the surrounding towns of Branford and North Haven. The comparison shows that there is a high correlation between the high school Hispanic student population and the general population of Hispanics in these towns. Therefore, the current high school population demographics may be a better way of estimating the Latino population living in East Haven today, compared to federal census numbers collected over five years ago.

For example, according to the US Census, the East Haven Hispanic population in 2010 was 10.3 percent, and the high school Hispanic student population was 10.1 percent. In Branford, the general Hispanic population in 2010 was 6 percent (344 out of 5819), and the high school Hispanic students were 3.7 percent of the total of 1,109; in North Haven, a town of similar size as East Haven, the Hispanic population in 2010 was about 4 percent (929 out of 24,093), versus a high school Hispanic student population of 6 percent (71 out of 1181). As we can see, in these towns, there are some differences in the percentage of Hispanic high school students and the general Hispanic population as reported by the census, but in all cases, the difference is no more than 2.5 percentage points.

Additionally, a comparison of US Census population data for the year 2000 (the most recent US Census data available before or after 2010) for these towns shows a similar pattern. In East Haven, in 2000, the Hispanic population was 1,228 (4.4 percent) of a total of 28,189, and the high school Hispanic students were 62 out of 1060 students, or 6 percent; in Branford, the Hispanic population was 218 (3.8 percent) out of a total of 5,735, versus a Hispanic high school student population of 20 (2 percent) out of a total of 1032; in North Haven, the Hispanic population in 2000 was 1.9 percent, or 433 out of 23035, versus a high school population of 1.3 percent (13 out of 977). Here again, we can see a close correlation between the Hispanic general population and the high school Hispanic student population of these towns. Based on the data above, it is feasible to assume, since the East Haven High school Hispanic student population in 2013 has been pegged at 17 percent, that East Haven's general Hispanic population has grown to somewhere between 14 percent and 17 percent since 2010. Therefore, the report from EHPD that 15.52 percent of all motor vehicle stops were operators of Hispanic ethnicity would generally fall in line with the town's Hispanic population today. The JCE must take the above numbers into consideration, given the fact that the most recent US Census is five years old, and there is no other way to confirm the exact, nor even an estimate of, the Hispanic population in East Haven.

[Data for high school populations obtained from the website [www.schooldigger.com](http://www.schooldigger.com), which uses as a source the U.S. Department of Education's National Center for Education Statistics and US Census data]

### **Search Warrants and Affidavits**

The EHPD submitted to the JCE copies of 12 search warrants and affidavits issued and served by EHPD officers this reporting period. Five of those warrants were seeking a blood test for prosecution of Operating Under the Influence (OUI) cases. Three warrants were issued for the same incident seeking evidence in a murder case. Two warrants were issued for the same incident in a robbery case. One warrant was issued seeking DNA evidence in a burglary case; and one warrant was issued to secure a firearm belonging to a person in protective custody. The JCE reviewed all 12 warrants and affidavits and determined that there was no apparent bias in seeking and serving these search warrants. Although five of the twelve warrants were issued against two African-American subjects (one male, and one female), the warrants sought evidence



in a murder case and in a separate felony robbery case. Also, two of the 12 warrants were issued against two Hispanic males, one in a case of burglary, and one in a case of OUI. Although four of the nine subjects of these search warrants were minority subjects, the seriousness of the three cases mentioned above (murder, robbery and burglary) demanded no less from the EHPD. The JCE believes that all warrants and affidavits obtained in the above cases met standard police practice and seemed to meet constitutional requirements in such serious cases. The remaining five warrants were issued against white subjects for OUI (4) and to secure a firearm (1).

#### **IV.) Use of Force**

The EHPD reports that:

During the period from January 1, 2015 to June 30, 2015, there have been 34 incidents where use of force was involved. Of those 34 incidents, there were 59 total uses of force, which are:

- 19 Physical (hands on)
- 7 Non- Compliant Handcuffing
- 15 Firearm (no discharge)
- 9 Taser (no discharge)
- 9 Pursuits

The EHPD reports that there were “19 arrests in those 34 incidents and 4 emergency committals. From January 1, 2015 to June 30, 2015, there were a total of 441 arrests and 169 emergency committals.”

The JCE reviewed all reports of Use of Force by EHPD this period and has found that, in general, EHPD officers have been reporting their Use of Force in a consistent manner, and that the supervisors have been reading and reviewing these reports. However, the JCE has also noted that, in some cases, supervisors have been vague in their reporting of the facts and lacking specificity in some cases when reviewing Use of Force reports. For example in some cases supervisors would report that they interviewed an officer or a witness, but failed to report the result of that interview. In other cases, the supervisors reported that someone acted violently

toward an officer, but did not describe the violent act/s that led to that conclusion. The JCE has notified EHPD of these shortcomings. The JCE believes this can be corrected through a brief refresher/reminder training course or bulletin issued to supervisors.

**V.) Civilian Complaints, Internal Investigations, and Discipline**

From January 1, 2015 to June 30, 2015 the EHPD has received four Civilian Complaints, as follows:

- On February 1, 2015, a Sergeant responded to a scene and received a complaint that an officer was rude and the complainant felt disrespected by him. The complainant did not want to formally file a complaint but just wanted the officer spoken to. The sergeant did speak to the officer and felt that he needed to improve on his de-escalation skills. In the end, the officer did not pass his field training and is no longer with the Department.
- On March 4, 2015, a Civilian Complaint form was given out to a female who was complaining that an officer made inappropriate comments to her. The complaint was never filed but the incident was investigated and the officer was counseled by his supervisor.
- On May 8, 2015, a Lieutenant received a phone call from a store manager who stated that while he was out of the store, the police responded on a complaint of counterfeit money and the officer who responded was “intimidating and awful.” The Lieutenant viewed the body camera footage and found that the officer was respectful and pleasant; he later went to that location to show the manager the body camera footage. The manager apologized for portraying the officer as someone he is not, and gave EHPD kudos for being able to provide such relevant and reliable proof. The officer was exonerated.
- On May 27, 2015, a Civilian Complaint was made by an individual who was sentenced to prison time. The complaint was filed against an officer and a sergeant, stating that the officer unfairly arrested him on false charges and was having an affair with his ex-girlfriend. This complaint was also made to the States Attorney’s Office and found

untrue by that office.

The JCE has reviewed all of the above complaints and noticed they were all allegations of minor violations and determined that they were satisfactorily investigated and that appropriate action was taken when warranted. The one complaint that alleges a serious violation is where the complainant said that he was falsely arrested by an officer, and that this officer is also having an alleged affair with his girlfriend. The EHPD Internal Affairs Officer conducted an investigation and reported that the complainant was unable to provide witnesses or other corroborating evidence. EHPD further found that this complainant was indeed arrested by the officer three times, but that the arrests were the result of two 911 calls to EHPD and one self-initiated incident and all were based on probable cause. Both officers were exonerated by EHPD.

The JCE is encouraged by the actions of EHPD and its commitment to providing fair service to its residents and visitors. The JCE cites the case above, May 27, 2015, and the case from March 4, 2015, where, although no complaint was filed by the complainant, the EHPD went ahead and conducted an investigation into the allegations and determined that the officer needed to be counseled. It shows good faith and is a step in the right direction for EHPD.

## **VI.) Supervision and Management**

According to the EHPD, the Early Intervention System (EIS) captures the following fields and thresholds:

- Any firearm discharge or use
- Taser deployment or use; two (2) within a 60-day period
- Baton or O/C use; two (2) within a 60-day period
- Non-compliant handcuffing; three (3) within a 30-day period
- Physical use of force; three (3) within a 30-day period
- Pursuits; two (2) within a 30-day period
- Officers arrests, including interfering with police, obstructing a police officer, resisting arrest, and assault on a police officer; two (2) within a 60-day period

- Traffic accidents involving EHPD equipment; three (3) within 12-month period
- Civil lawsuits; two (2) within a 12-month period
- Excessive absences; Eight (8) unscheduled occurrences in any 12-month period

The EIS is monitored by the IAO daily while on duty.

The EHPD further reported to the JCE that from January 1, 2015 to June 30, 2015, the EIS has not been triggered and, therefore, no review of any employee has been necessary.

#### Body Worn Cameras

It is EHPD policy that all officers wear body cameras during their tours of duty. Supervisors review and remind officers to ensure that their cameras are functioning properly. Supervisors also review all vehicle-mounted cameras and report their condition and request repairs when necessary. Officers are trained to activate their assigned body worn camera immediately prior to any encounter with a person when there is a potential for arrest, including pedestrian and traffic stops, any investigative call for service, any call in which they are needed to resolve or prevent a dispute, or any proactive self-initiated call for service in which law enforcement action can reasonably be anticipated.

The JCE has seen how valuable these cameras have been to EHPD management in supervising and monitoring their personnel and equipment. For example, in his review of use of force reports for this period, the JCE read vehicle pursuit reports where the supervisors checked the vehicle-mounted cameras to compare officers' reports with what was captured in the videos and found that the officers' reports were accurate. In a number of cases, supervisors noted that there were some technical issues with the cameras and reported them to management for corrective action.

Also, the JCE reported in his 24-month report to the court that he viewed body-cam videos of an officer shooting a dangerous animal, and, in another situation, a group of officers using proper tactics to take down a subject armed with a machete. By having these body-cam and in-vehicle

camera videos available for inspection, supervisors are better able to supervise and monitor performance by the personnel assigned to their command. In addition, these videos can also serve the EHPD as training tools in the future.

The JCE randomly reviewed arrest reports on three separate site visits during 2015 and found that they appeared to be in proper order. Additionally, the JCE conducted a random review of EHPD's Detainee Questionnaires and found them to be, generally, in compliance, paying particular attention to the following questions:

- Were you taken into custody by force?
- Have you been treated properly while in the custody of the East Haven Police Department?

In the vast majority of instances checked by the JCE, the detainees answered in the negative for the first question; also, the vast majority answered positive for the second question. Supervisors, for the most part, further interviewed those detainees who answered yes to those questions and made notes of their concerns. Most of the concerns that the supervisors reported were minor and were appropriately handled by EHPD.

However, the JCE noted that in some questionnaires, the detainees concerns were not always documented. For example, the instructions on the EHPD Detainee Questionnaire requires that a "Yes" answer to any question be further explained in a space provided for that purpose. In a small number of questionnaires with "Yes" answers, the Supervisor failed to provide an explanation. This was especially obvious when supervisors asked the subjects (Question #2) "Do you take any prescribed medications?" In many cases the answer was "Yes," but the supervisor failed to make note of the medication being taken, whether the subject had the medication with him/her, or whether EHPD would make arrangements to get the medication if necessary. The JCE notified EHPD and recommended that EHPD provide re-training to its personnel to correct this important issue.

**VII.) Community Engagement and Oversight.**

The Following is a statement from EHPD concerning community meetings:

In continuing compliance with items 179, 180, and 182 (pages 42 and 43 of the Settlement Agreement), with the modification of the SA in December 2014, I [Lt. Emerman] will be having quarterly community meetings. The meetings will continue to be advertised in various print and online media outlets. Previous meetings have attracted residents with a great variety of questions, suggestions, and interest in learning how officers carry out their duties and how it will affect members of the community. The meetings will continue to rotate between the north and south side of town in compliance with the modified SA.

The JCE has found that EHPD has continued to make strides in the East Haven Hispanic community. Hispanics in East Haven have expressed their sentiments to the press during interviews conducted the past six months. For example, the *New Haven Register* newspaper, in an article published in February 2015, titled "Latinos in East Haven Applaud Police Efforts to Heal Community" by Esteban L. Hernandez, reported the following interviews with Hispanics in East Haven:

"Things have changed," said Chacon, speaking in Spanish. "They have returned to normal." The change Chacon is referring to is the relationship between Latinos in East Haven and members of the town's police force.

Annely Ardon, who's been working six years at Alex Grocery, agrees Latinos and police officers have turned a corner after a very difficult period. Speaking in Spanish, Ardon says at least three East Haven police officers speak Spanish fluently and more importantly, the Spanish-speaking officers have told them they're there to help. "The police are good people now. They're excellent." Ardon said.

Vicky Friere, a co-worker of Ardon's, shared her sentiment. She said officers stop by

weekly to check in and greet them.

In another article reporting on the visit in July 2015 to East Haven by the newly appointed US Attorney Loretta Lynch, reporter Hernandez wrote, “While the forum in East Haven was closed to the press, Lynch addressed the media briefly before the forum and afterward during a press conference inside the school’s media center. Lynch said Latino community members who participated in the forum spoke positively of changes they see between officers and the community. “They particularly spoke of respectful interactions,” Lynch said. “If the people who really felt victimized don’t see a difference, then we would not view it as a success.”

In another interview about her East Haven visit, US Attorney Lynch added that, “...there has been an enormous, positive, transformative progress here in East Haven.”

The EHPD has also held several community meetings throughout the last six months of 2015. Lt. Emerman reported that he has met with representatives of the Latino community on the following dates:

- Lt. Emerman met with the owners of a Hispanic convenience store on January 13, 2015, January 30, 2015, April 9, 2015, May 5, 2015 and June 25, 2015; He met with the owners of a Hispanic Restaurant on February 25, 2015 and with the Associate Editor of *La Voz Hispana de CT* newspaper on April 13, 2015.
- Lt. Emerman also spoke with a Hispanic leader/activist on January 2, 2015, January 7, 2015, January 10, 2015, February 2, 2015, February 4, 2015, March 12, 2015, May 28, 2015, and met with the activist again on July 3, 2015 as well.

Lt. Emerman reported that the last monthly community meeting was held January 28, 2015 at the Foxon Volunteer Firehouse, located at 1420 North High Street. Approximately ten people attended. No names were taken as the attendees can remain anonymous per paragraph 182 of the Settlement Agreement. The topics that were covered included: traffic enforcement, officer training, and upcoming projects of the police department.

Also, a quarterly meeting was held on April 19, 2015 at Twin Pines Diner, 34 Main Street. This

was combined with an annual business owners meeting and had approximately 20 attendees.

Additionally, EHPD held a Citizens Police Academy for 10 weeks. Fifteen participants graduated on April 13, 2015. The JCE attended the inaugural class of this program and introduced himself to the group. The JCE is familiar with Citizens Police Academy programs, and has found that they are very popular and usually well attended by community residents. These programs tend to bring the police and the community closer together.

Lt. Emerman reported that he has not heard of any complaints from the representatives of the community. Contacts with the police have been positive and appropriate when enforcement action was taken. Additionally, Lt. Emerman has heard comments that many Latinos who had moved out of East Haven in previous years have begun to return to East Haven in recent times, further indicating a positive relationship with the Department.

In addition, the JCE has met with several Hispanic community leaders and business owners during the first six months of 2015. They have all made positive statements about their relationship with EHPD and its officers. For example:

- The JCE met with the owner's son and a clerk at a Latino owned store located on Main Street in East Haven. Both said things were going very well with the EHPD, and they have had no issues, nor have they heard of any problems with EHPD officers. They were happy to report that officers stop by the store regularly to talk with them and inquire how everything is going.
- At an East Haven Latino grocery store, the owner told the JCE that she has had no complaints against EHPD, that the police have been responsive to her, and that she has heard of no complaints, or any other issues with the police from customers or other storeowners.
- The JCE spoke to a white male who was the owner and behind the counter at the Polo Palo Gelato (Italian Ice Cream) store on Main St. He told the JCE that he and his



girlfriend (co-owner), who is Latina, have a good relationship with the EHPD and is not aware of any issues.

Community members that the JCE has met with highlight, and continue to praise, the excellent work and relationship building of EHPD Lieutenant David Emerman, the Department's Liaison to the community. Lt. Emerman reported to the JCE that the Department has assigned a Spanish-speaking officer to begin training as a back-up to Lt. Emerman and future successor as the EHPD Liaison to the community.

The EHPD has opened two police substations to better serve the community. The JCE visited both EHPD's substations on June 16, 2015. The newest substation on Messina Drive was opened in March 2015. The town's beach substation has been operating for many years. During the JCE's visit to the EHPD substation located at the town's public beach, no officer was present as it is not staffed 24/7. The JCE did, however, speak to the Beach Supervisor, who stated that he is encouraged to see the EHPD come back to the beach, and is happy to have the substation there. Although the substation is not fully staffed 24/7, the Supervisor said police presence is much needed at the beach, especially on weekends and at night. The JCE then visited the EHPD substation located at 65 Messina Drive. There was no officer present and the office was closed, however, the JCE spoke to a resident of the senior complex, who said that an EHPD officer comes in and out of the office throughout the day every day. She said the residents are happy to have the police presence in the building, which makes them feel safer.

**Section II. Compliance Progress Chart for Modified Settlement Agreement  
Paragraphs 10 through 233, approved on December 19, 2014  
CIVIL NO. 3:12-CV-1652 (AWT)**

**KEY:**

**Partial Compliance** – The Town of East Haven has taken verified and meaningful steps to implement the requirement, including incorporating the requirement in policy, commencing sufficient training to relevant staff on the requirement, and/or carrying out the requirement in actual practice.

**Substantial Compliance** – The Town of East Haven has implemented the requirement in policy, training, and actual practice to a level and degree that satisfies the material elements and objectives of the requirement, based on the JCE’s qualitative and quantitative assessments.

**Full Compliance** – The Town of East Haven has achieved substantial compliance with the requirement and sustained such compliance for two years. (Please note one exception. There are a few paragraphs where a one-time requirement has been met and no longer requires active monitoring. These paragraphs are now marked as having achieved full compliance.)

**Non-Compliance** – The Town of East Haven has made little or no progress to implement the requirement or has otherwise failed to take meaningful and verifiable steps to achieve compliance.

**Deferred** - Requirements were not reviewed, audited, or assessed during the relevant rating period.

The Joint Compliance Expert (JCE) is using the compliance ratings defined above. The JCE is relying on the following four criteria to assess East Haven’s progress on implementing each paragraph of the Settlement Agreement. These criteria are based on requirements included in paragraph 198 of the Settlement Agreement.

1. Policy: Is there a policy in place relevant to the paragraph requirement?
2. Training: Have all required East Haven Police Department staff been trained on this paragraph?
3. Practice: Is the East Haven Police Department performing the requirement of the paragraph?
4. Verification: Have the requirements of the paragraph been audited, reviewed and verified by the JCE?

When all four criteria are met, the paragraph will be rated as “substantial compliance.” After substantial compliance has been sustained for a two-year period, the JCE will mark the paragraph in “full compliance.”

#### IV. POLICIES AND TRAINING GENERALLY

10. EHPD’s policies and procedures shall reflect and express the Department’s core values and priorities, and provide clear direction to ensure that officers lawfully, effectively, and ethically carry out their law enforcement responsibilities. EHPD and the Town shall ensure that all EHPD officers are trained to understand and be able to fulfill their duties and responsibilities pursuant to EHPD policies and procedures. EHPD and the Town shall ensure that supervisors have the knowledge, skills, and ability to provide close and effective supervision to each officer under the supervisor’s direct command; provide officers with the direction and guidance necessary to improve and develop as police officers; and to identify, correct, and prevent officer misconduct. To achieve these outcomes, EHPD shall implement the requirements below. (Overview paragraph for policy manual development)	
Compliance Rating	N/A
Discussion	This is an introductory paragraph outlining the goals and objectives of the policies and training section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces.
Recommendations	None
Evidentiary Basis	<p>From January 1, 2015 through June 30, 2015, seven new policies were developed.</p> <p>309.1 – Employee and Equipment Inspections  310.1 – Travel Expenses of Department Employees  311.1 – Military Leave  441.1 – Domestic Violence Lethality Assessment Program  442.1 – Crisis Intervention Team (CIT)  704.1 – Canine Unit Drug Lab Management  802.1 – Sensitive Media and Disposal/Sanitation</p> <p>Five policies were revised.</p> <p>209.2 – Discipline Guidelines Matrix  406.3 – Use of Less Lethal Force  415.3 – Domestic Violence  416.3 – Domestic Violence Involving Police Personnel  424.3 – Misdemeanor Summons Arrests</p> <p>The classification for one policy (formerly policy 216.1) was changed to 312.1 - Retired Officers Firearms Requirement.</p>

**A. Policy Development, Review and Implementation**

11. EHPD shall develop and implement comprehensive and agency-wide policies and procedures that ensure consistency with, and full implementation of, this Agreement, and incorporate each requirement herein. Unless otherwise noted, all policies, procedures, and manuals shall be developed within 270 days of the Effective Date.	
Compliance Rating	Substantial Compliance
Discussion	Agency-wide policies and procedures have been developed and officer training completed for 94 policies.
Recommendations	None
Evidentiary Basis	94 policies were reviewed and approved by JCE  All training on the 94 policies has been completed for all EHPD members. JCE confirmed updated EHPD Policies and Procedures Manual is available and accessible to all.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to check that current revised editions of the hard copy policy manual are accessible to all and are on-line. It is anticipated that the EHPD Policies and Procedures Manual will continue to be regularly updated as new issues, technologies, training etc. are introduced in policing and in the community.

12. EHPD policies and procedures shall define terms clearly, comply with applicable law and the requirements of this Agreement, and comport with professional police practices.	
Compliance Rating	Substantial Compliance
Discussion	The JCE and USDOJ reviewed and approved 94 policies and procedures.
Recommendations	None
Evidentiary Basis	All new and revised EHPD policies and procedures were reviewed and approved by the JCE, USDOJ and the Board of Police Commissioners.
SITE VISIT	The JCE will continue to review future revisions to EHPD policies and procedures.

13. EHPD shall review each policy or procedure related to this Agreement 180 days after it is implemented, and annually thereafter, to ensure that the policy or procedure provides effective direction to EHPD personnel and remains consistent with the Agreement, professional police practices, and current law, including incorporating mechanisms to promote and measure accountability and community engagement. EHPD also shall review policies and procedures as necessary upon notice of a policy deficiency during audits or reviews. Within 60 days of that review, EHPD shall revise the policy or procedure and consult with the JCE and USDOJ. USDOJ and the JCE shall provide the same review and approval of revised policies and procedures as with the initial policies and procedures to ensure consistency with this Agreement.	
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Compliance Rating	Substantial Compliance
Discussion	The JCE and Parties have worked with EHPD on revising existing policies within the deadlines required under this paragraph.
Recommendations	None
Evidentiary Basis	<p>On an ongoing basis, the EHPD along with the JCE and USDOJ have reviewed and revised policies and procedures and EHPD has developed seven new ones.</p> <p>Five revised policies were issued and became effective during the January 1, 2015 through June 30, 2015 reporting period:</p> <p>209.2 – Discipline Guidelines Matrix  406.3 – Use of Less Lethal Force  415.3 – Domestic Violence  416.3 – Domestic Violence Involving Police Personnel  424.3 – Misdemeanor Summons Arrests</p> <p>From January 1, 2015 through June 30, 2015, seven new policies were developed:</p> <p>309.1 – Employee and Equipment Inspections  310.1 – Travel Expenses of Department Employees  311.1 – Military Leave  441.1 – Domestic Violence Lethality Assessment Program  442.1 – Crisis Intervention Team (CIT)  704.1 – Canine Unit Drug Lab Management  802.1 – Sensitive Media and Disposal/Sanitation</p> <p>The classification for one policy (formerly policy 216.1) was changed to 312.1 - Retired Officers Firearms Requirement.</p>
SITE VISIT	All new training required for revised policies was reviewed by the JCE and completed for the January 1, 2015 through June 30, 2014 reporting period. The JCE will continue to discuss policies with EHPD during site visits and track EHPD's revision processes.

14. EHPD's Department-wide policies and procedures shall be collected in a Department-level policy and procedure manual, and unit-wide policies and procedures (or standard operating procedures) shall be collected in unit-level policy and procedure manuals. EHPD shall develop and implement policy and procedure manuals that include the following EHPD functions:

- a) Field operations, including patrol, supervision task forces, and special operations;
- b) Internal investigations, including case and records management, administrative investigations, confidential investigations, parallel criminal and administrative investigations, audits, and officer drug testing;

c) Use of force reporting, reviews, and investigations, including both Supervisor and IAO force investigations and reviews; and in-custody death reviews; d) Criminal investigations; and e) Field and in-service training.	
These manuals shall incorporate and otherwise be consistent with the requirements of this Agreement.	
Compliance Rating	Substantial Compliance
Discussion	These policies and procedures are included in the manual.
Recommendations	None
Evidentiary Basis	The completed policies and procedures manual.
SITE VISIT	<u>Questions/Next Steps</u> - None

15. EHPD shall expressly prohibit all forms of retaliation, whether subtle or direct, including discouragement, intimidation, coercion, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. The default penalty for retaliation shall be termination.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implementation of policies and procedures to address this Settlement Agreement paragraph will continue to be tracked by the JCE.
Recommendations	None
Evidentiary Basis	Policy 201.3 and 208.2 JCE community and police officer interviews (anonymous and non-anonymous) JCE review of all citizen complaints and use of force reports during site visits JCE attendance at community meetings and interactions with community during site-visits and via email and telephonic communication
SITE VISIT	<u>Questions/Next Steps</u> Continue to review all complaints and misconduct allegations.

16. EHPD shall develop a policy governing its obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny. As part of this policy, EHPD shall track and maintain records of all officers who have been determined to have been deceptive or untruthful in any legal proceeding, Internal Affairs investigation, or other investigation. EHPD shall make these records available to prosecutors.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implementation of policies and procedures to address this Settlement Agreement paragraph will continue to be tracked by the JCE.
Recommendations	None
Evidentiary Basis	Policy 201.3 and 214.2

SITE VISIT	<u>Question/Next Steps</u> Review all relevant cases; None so far.
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17. EHPD shall submit all new and revised policies, procedures, or manuals related to this Agreement to the JCE and USDOJ for review and comment prior to publication and implementation within 270 days of the Effective Date. If the JCE or USDOJ object that the proposed new or revised policy, procedure, or manual does not incorporate the requirements of this Agreement, or is inconsistent with this Agreement or the law, it shall note this objection in writing to all Parties within 15 business days of the receipt of the policy from EHPD. If neither the JCE nor USDOJ object to the new or revised policy, procedure, or manual, EHPD agrees to implement it within 30 days of it being provided to USDOJ and the JCE.

Compliance Rating	Substantial Compliance
Discussion	This requirement continues to be monitored by the JCE.
Recommendations	None
Evidentiary Basis	EHPD Policies and Procedures Manual on the EHPD website.
SITE VISIT	<u>Questions/Next Steps</u> None

18. EHPD shall have 15 days to resolve any objections to the new or revised policies, procedures, and manuals implementing the specified provisions. If, after this 15-day period has run, USDOJ maintains its objection, then the JCE shall have an additional 15 days to resolve the objection. If either party disagrees with the JCE's resolution of the objection, either Party may ask the Court to resolve the matter. The JCE shall determine whether in some instances an additional amount of time is necessary to ensure full and proper review of policies. Factors to consider in making this determination include: 1) complexity of the policy; 2) extent of disagreement regarding policy; 3) number of policies provided simultaneously; and 4) extraordinary circumstances delaying review by USDOJ or the JCE. In determining whether these factors warrant additional time for review, the JCE shall fully consider the importance of prompt implementation of policies, and shall allow additional time for policy review only where it is clear that additional time is necessary to ensure full and proper review. Any extension to the above timelines by the JCE shall also toll EHPD's deadline for policy completion.

Compliance Rating	N/A
Discussion	The 15-day requirement was never invoked.
Recommendations	None
Evidentiary Basis	n/a
SITE VISIT	<u>Questions/Next Steps</u> None

19. EHPD shall apply policies uniformly and hold officers accountable for complying with EHPD policy and procedure.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implementation of policies and procedures to address this Settlement Agreement paragraph will continue to be tracked by the JCE.
Recommendations	None
Evidentiary Basis	During quarterly JCE site visits, the JCE reviewed all internal affairs cases and supervisory review reports and found that policies were applied uniformly and officers held accountable when called for.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to monitor on future quarterly site visits and via email/telephonic communication.

20. Within 180 days of the Effective Date, EHPD shall formalize a common template to use for all EHPD policies and General Orders. The template shall include a method for updates and revisions that permits all Parties to keep track of former versions of policies and General Orders while clearly labeling currently operative policies and General Orders. All EHPD policies and General Orders shall be made to conform to this template.

Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 2/19/13 deadline
Recommendations	None
Evidentiary Basis	EHPD delivered the template by the deadline to the JCE; The template is posted on the EHPD Website. A second and revised common template was implemented in early 2014 that is more 'user-friendly' for all policies and continues to be used. The newer template continues to be used and works well with current, revised and new policies.
SITE VISIT	<u>Questions/Next Steps</u> None

21. Within 365 days of the Effective Date, EHPD shall make all new and revised EHPD policies freely available for public review online, unless there is a reasonable basis for maintaining a specific policy or procedure confidential or unless an exemption from disclosure is allowed under State or Federal Freedom of Information law or any other applicable law. All new and revised policies shall be displayed on the EHPD website which shall also be available through a link on the Town website.

Compliance Rating	Substantial Compliance
Discussion	The online requirement was completed by the 12/21/13 deadline.
Recommendations	The JCE recommended that the community have easy access to review the policies in a neutral location in early 2014, such as at the Hagaman Public Library per Settlement Agreement Paragraph 184.
Evidentiary Basis	The JCE confirmed that the EHPD Policies and Procedures Manual is available online on the EHPD website, at Town Hall, Police HQ and at the



	Hagaman Public Library.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to confirm/monitor and ensure that an updated and current Policies and Procedures Manual is available in hard copy at the Hagaman Public Library.

22. EHPD shall review and revise its Code of Conduct within 180 days of the Effective Date, and annually thereafter, to:

- a) describe with specificity permitted and prohibited officer conduct;
- b) be consistent with the requirements of professional police practice and this Agreement; and
- c) have an absolute requirement of officer honesty and make termination the default penalty for dishonesty.

Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 180-day deadline of June 19, 2013 and continues to be reviewed annually. The original Code of Conduct policy was rescinded and replaced by a rewritten and updated version.
Recommendations	None
Evidentiary Basis	The JCE and USDOJ received and reviewed and the East Haven Board of Commissioners approved the most recent revised EHPD Code of Conduct - Policy 201.3
SITE VISIT	<u>Questions/Next Steps</u> None

23. EHPD shall submit proposed revisions to its Code of Conduct to the JCE and DOJ for review at least 60 days before the implementation of any revision. The dispute resolution process and associated time frames set forth in Paragraphs 17 and 18 shall apply to DOJ and the JCE's review of any new or revised Code of Conduct.

Compliance Rating	Substantial Compliance
Discussion	The original Code of Conduct has been revised twice and approved twice by the JCE and USDOJ. It was included in the newest version of the EHPD Policies and Procedures Manual.
Recommendations	The JCE confirmed that training and subsequent implementation on the new Code of Conduct occurred in 2014. The JCE will continue to monitor.
Evidentiary Basis	Policy 201.3 completed and enacted on September 1, 2014.
SITE VISIT	<u>Questions/Next Steps</u> None

**B. Training on Revised Policies, Procedures and Practices**

24. EHPD shall ensure each officer and employee attends 2 – 4 hour training on the content of this Agreement and the responsibilities of each officer and employee pursuant to it.	
Compliance Rating	Full Compliance
Discussion	Within 60 days of the Effective Date; February 19, 2013.
Recommendations	None
Evidentiary Basis	EHPD provided documentation that this training was provided to all sworn and civilian department members by the 60-day mark. Training Roster
SITE VISIT	<u>Questions/Next Steps</u> None

25. Within 30 days after issuing a policy or procedure pursuant to this Agreement, EHPD shall ensure that all relevant EHPD personnel have received, read, and understand their responsibilities pursuant to the policy or procedure, including the requirement that each officer or employee report violations of policy; that supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel will be held accountable for policy and procedure violations. EHPD shall document that each relevant EHPD officer or other employee has received, read, and sufficiently understands the policy. Training beyond roll-call or similar training will be necessary for many new policies to ensure officers understand and can perform their duties pursuant to the policy.	
Compliance Rating	Substantial Compliance
Discussion	All training on new and revised policies and procedures has been completed in 2014. In addition for 2015, EHPD informed the JCE that all sworn members have received or are in the process of receiving a minimum of 32 hours of annual in-service training that includes courses in bias-free policing, search and seizure, civil liability, and use of force by December 31, 2015. They said that most courses are also conducted to have the dual role of meeting the certification requirements of all police officers, as established by the Connecticut Police Officers Standards and Training Council (CTPOST).
Recommendations	The EHPD provided the JCE and USDOJ with a list of attendees, their associated job titles and the trainings they attended relevant to the new and revised policies and procedures.
Evidentiary Basis	The JCE and USDOJ reviewed training materials and the training list with associated attendees. EHPD provided the JCE with the 2015 training rosters and schedules.
SITE VISIT	<u>Questions/Next Steps</u> JCE will continue to review training rosters and training curriculum for information noted above.

26. EHPD shall ensure delivery of the one-time and recurrent in-service training requirements set out throughout this Agreement. As set out herein, EHPD shall provide a minimum of 32 hours of in-service training each year to each officer, in addition to any specialized training for officers in certain units, supervisors, etc., and in addition to the one-time training required by this Agreement. Training in related areas may be delivered together. (For example, aspects of training in effective community engagement and bias-free policing may be incorporated into stop, search, and arrest training). The in-service training shall not include any firearms training required by the state. The frequency and subject areas for initial one-time and recurrent in-service training are set out in the sections below; however, it is anticipated that the frequency and subject areas for in-service training in the future will be determined by the training plan this Settlement Agreement requires EHPD to develop.

Compliance Rating	Substantial Compliance
Discussion	The EHPD is up-to-date and has completed all of the training required by the Settlement Agreement. They have developed a 2014-2016 training plan that all Parties have reviewed.
Recommendations	The JCE will continue to track all training and review curricula and rosters.
Evidentiary Basis	An update to the EHPD 2014 Training Division Annual Report was completed for 2014 and presented to the JCE in January 2015.
SITE VISIT	<u>Questions/Next Steps</u> JCE will continue to review EHPD training curricula and rosters on quarterly site visits and discuss future training goals with Deputy Chief Lennon and Training Supervisor Lt Tracy.

27. EHPD shall provide mandatory supervisory, leadership, and command accountability training, tailored to each level of supervision and command, of 24 – 40 hours. All EHPD supervisors shall receive supervisory training prior to assuming supervisory responsibilities or serving as an acting supervisor, and shall receive no fewer than 40 hours of supervisory in-service training annually thereafter.

Compliance Rating	Substantial Compliance
Discussion	It is anticipated that all EHPD supervisors will receive and complete the required number of annual hours of training within the next six months.
Recommendations	For future training, the EHPD should continue to send the JCE and USDOJ all supervisory, leadership and command accountability training curricula and related materials.
Evidentiary Basis	All supervisory training curricula were reviewed by the JCE. Rosters
SITE VISIT	<u>Questions/Next Steps</u> JCE will continue to review EHPD training curricula and rosters on quarterly site visits. JCE team members will continue to forward EHPD information about new supervisory training classes that are being piloted in other jurisdictions.

28. The supervisory training program shall include instruction in the following topics:	
a) techniques for effectively guiding and directing officers and promoting effective and ethical police practices;	
b) de-escalating conflict;	
c) evaluation of written reports;	
d) reviewing and investigating officer uses of force;	
e) responding to and investigating allegations of officer misconduct;	
f) risk assessment and risk management;	
g) evaluating officer performance;	
h) appropriate disciplinary sanctions and non-disciplinary corrective action; and	
i) using the Risk Management System to facilitate close and effective supervision.	
Compliance Rating	Substantial Compliance
Discussion	These required topic areas were included in the training materials reviewed and approved by the JCE and USDOJ.
Recommendations	None
Evidentiary Basis	Supervisory training curricula 2013 (from Institute of Police Technology and Mgt.) 2014 EHPD Training Division Annual Report. 2015 Training Schedule and Roster.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to review training materials to ensure documentation is consistent across training.

29. EHPD shall submit training curricula and lesson plans, revised pursuant to this Agreement, to the JCE and DOJ for review and comment at least 45 days prior to the scheduled date of training delivery. The JCE shall provide the Parties with written comments regarding the training. The JCE and DOJ shall review all EHPD training curricula and lesson plans promulgated pursuant to this Agreement to determine whether they are consistent with and incorporate the requirements of this Agreement, and comport with professional police practices. The dispute resolution process and associated time frames set forth in Paragraphs 17 and 18 of this Agreement shall apply to DOJ and the JCE's review of training curricula and lesson plans.	
Compliance Rating	Substantial Compliance
Discussion	This review and comment requirement was modified from 90 days to 45 days and approved by the court. EHPD has been providing the JCE and the DOJ with timely curricula and lesson plans for their review and approval
Recommendations	None
Evidentiary Basis	All training curricula and/or relevant training materials have been reviewed within the proper time frame throughout this reporting period
SITE VISIT	<u>Questions/Next Step</u> JCE will continue to review EHPD training curricula and rosters on quarterly site visits.

30. Unless otherwise noted, the training required pursuant to this Agreement shall be delivered within 365 days of the Effective Date, and annually thereafter. Within 180 days of the Effective Date, EHPD shall set out a schedule for delivering all training required by this Agreement.	
Compliance Rating	Substantial Compliance
Discussion	Required training was delivered on time within the 365 days of the Settlement Agreement Effective Date. A training plan/schedule was also delivered by the 180-day mark. A 2014 Training Division Annual Report was also prepared/delivered in January 2015.
Recommendations	None.
Evidentiary Basis	EHPD provided documentation that all training was delivered within the 365-day mark and continues to provide future training schedules to the JCE.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to review annual training plans including new and refresher courses

31. Within 270 days of the Effective Date, EHPD shall develop and implement documented and approved testing policies and procedures regarding training to ensure that all testing is valid, reliable, fair, and legally defensible. Both knowledge-based and performance-based tests shall be designed, developed, administered, and scored according to established professional standards of practice. Testing policies and procedures shall include detailed test security measures. All tests shall be job-related, testing knowledge and skills required for successful job performance.	
Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 270-day mark; The JCE conducted one-on-one interviews with attendees. Additional training on new and/or revised policies issued throughout the first six months of 2015 has occurred. The JCE attended training sessions in June 2015 to ensure courses are being taught incorporating best practices for adult learning and retention..
Recommendations	None
Evidentiary Basis	Policy 106.2 Training curricula and tests. Training rosters. Training schedule for 2015. Training sessions.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to attend training sessions on future site-visits to ensure courses are being taught incorporating best practices for adult learning and retention. The JCE will also continue to conduct one-on-one interviews with attendees.

**V. BIAS-FREE POLICING**

32. EHPD shall deliver police services that are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in the Department. In conducting its activities, EHPD shall ensure that members of the public receive equal protection of the law, without bias based on demographic category, and in accordance with the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. To achieve these outcomes, EHPD shall implement the requirements below. (Overview Paragraph)	
Compliance Rating	Substantial Compliance
Discussion	This is an introductory paragraph outlining the goals and objectives of the Bias-Free Policing Section.
Recommendations	None
Evidentiary Basis	n/a

**A. Bias- Free Policing**

33. EHPD shall provide all officers with 4 hours of comprehensive and interdisciplinary training on bias-free policing within 180 days of the Effective Date, and 2 – 4 hours annually thereafter, based on developments in Connecticut or federal law and EHPD policy. Such training shall emphasize that discriminatory policing, in the form of either selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, is prohibited by policy and will subject officers to discipline. This training shall address: <ul style="list-style-type: none"> <li>a) methods and strategies for more effective policing that relies upon non-discriminatory factors;</li> <li>b) police and community perspectives related to discriminatory policing;</li> <li>c) constitutional and other legal requirements related to equal protection and unlawful discrimination, including the requirements of this Agreement;</li> <li>d) the protection of civil rights as a central part of the police mission and as essential to effective policing;</li> <li>e) the existence and impact of arbitrary classifications, stereotyping, and implicit bias;</li> <li>f) instruction in the data collection protocols required by this Agreement;</li> <li>g) identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and</li> <li>h) methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including problem-oriented policing strategies.</li> </ul>	
Compliance Rating	Substantial Compliance
Discussion	The training included bias-free policing practices and stop, search and arrest procedures. The lesson plans, which reflect the Settlement Agreement's requirements, were approved by the JCE.

Recommendations	None
Evidentiary Basis	Training test results for attendees on file at the EHPD; Discussion with EHPD Compliance Coordinator. The JCE audited in-service training at EHPD Headquarters during the month of June 2015.
SITE VISIT	<u>Questions/Next Steps</u> None

## B. Ensuring Bias-Free Policing

<p>34. EHPD shall, consistent with this Agreement, develop a comprehensive policy prohibiting discrimination on the basis of demographic category in EHPD police practices. This policy shall have the following elements:</p> <p>a) EHPD's policy on bias-free policing shall prohibit officers from using demographic category (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or persons.</p> <p>b) EHPD shall prohibit officer use of proxies for demographic category, including language ability, geographic location, or manner of dress.</p> <p>c) When officers are seeking one or more specific persons who have been identified or described by their demographic category, or any proxy thereto, officers may rely on these descriptions only when combined with other appropriate identifying factors, and may not give exclusive attention or undue weight to demographic category.</p> <p>d) Data collection, as set forth in Paragraphs 64(c) and 65 of this Agreement.</p>	
Compliance Rating	Substantial Compliance
Discussion	This is the bias-free policing policy # 203.2, which has had one revision. Bias-Free policing training occurred in 2013 and 2014 as noted in paragraph 33 prior to the policy being completely approved and implemented. Also, in-service training on Bias-Free policing has been conducted at EHPD Headquarter during 2015 and the JCE audited some of these classes in June 2015.
Recommendations	None
Evidentiary Basis	Policy 203.2 in the EHPD Policies and Procedures Manual. Additional review of training on this policy was included in the policies and procedures manual training in 2014.
SITE VISIT	<u>Questions/Next Steps</u> The JCE continues to use a checklist of items to review at quarterly on-site meetings as well as through ongoing telephonic and email communication. These items include, but are not limited to: EIS, Technology Review, Supervisor Reports, Random Audit or Review of ECW's (Tasers), Citizen Complaints, Use of Force Reports, Arrest Reports, Stop Data from State,



	Body Cameras, Audit/Review, Search Warrant Applications, Community and Language Line Data and Detainee Reports. Information and data for “Ensuring Bias-Free Policing” will be gathered and analyzed from the checklist materials. The JCE will ensure that the bias-free policy #203.2 is kept up to date by EHPD.
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35. EHPD shall conduct quarterly analysis, as well as analysis on a cumulative basis, consistent with the methodology employed by the JCE, of its traffic enforcement activities to ensure officer, squad, and Department compliance with the bias-free policy.	
Compliance Rating	Substantial Compliance
Discussion	This requirement was first completed at the 180-mark. Some quarterly reports were delayed due to a since-fixed software problem with a new CAD-based program that automatically tracks and analyzes these data.
Recommendations	JCE will continue to work with EHPD to obtain quarterly reports in a timely manner. EHPD obtained additional software to help with demographic and geographic analysis. However, due to the small size of the town, the demographics data was not significant, and only geographic data was obtained. Analysis of geographic stop data conducted by EHPD this reporting period shows that the vast majority of stops occurred within the major roads in East Haven, regardless of who was stopped or the reason.
Evidentiary Basis	First report submitted at the 180-mark. Second report submitted on January 13, 2014. Third report submitted April 7, 2014. Stop data reviewed in June 2014 Fourth report submitted July 1, 2014. The fifth report was submitted by EHPD on January 23, 2015. The sixth report was submitted on July 8, 2015. A review of the stop data collected and analyzed indicates that traffic stops from this reporting period are generally consistent with the racial and ethnic make-up of the population in East Haven. The JCE conducted an analysis of the stop data for Hispanics and concluded that stops by EHPD do not show bias towards Hispanics. Please see further details of this analysis in the section for <b>Stops, Searches, and Seizures</b> above.
SITE VISIT	<u>Questions/Next Steps</u> Need to continue getting more detail about data set to ensure that traffic enforcement sanctions are appropriate.

36. EHPD shall develop a formalized procedure for officers to notify arrested foreign nationals of their right to contact their consulate, or to contact the appropriate consular official directly.	
Compliance Rating	Substantial Compliance
Discussion	Training on this new policy was completed in January and February 2014.
Recommendations	None
Evidentiary Basis	Policy 304.2 Roster.
SITE VISIT	<u>Questions/Next Steps</u>



	The JCE continues to ask if any foreign nationals have been arrested since previous site visit. No instances have occurred during the first 30 months of the Settlement Agreement.
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37. EHPD shall refer any complaint plausibly implicating the bias-free policy to the IAO and to the JCE. EHPD shall treat any violation of the bias-free policy as a serious violation. Officers who engage in discriminatory policing will be subjected to discipline, and, where appropriate, possible criminal prosecution.	
Compliance Rating	Substantial Compliance
Discussion	There were no complaints plausibly implicating the bias-free policy during the first six months of 2015.
Recommendations	Continue to keep the JCE and USDOJ apprised of any complaints or violations in a timely manner.
Evidentiary Basis	Chief's immediate notification to JCE and DOJ. Regular and ongoing case briefings. Comprehensive internal affairs investigation and report.
SITE VISIT	The JCE will continue to review IAO files.

38. Within 180 days of the Effective Date, EHPD shall incorporate concrete requirements regarding bias-free policing and equal protection into its hiring, promotion, and performance assessment processes, including giving significant weight to an individual's documented history of bias-free policing, as well as using interviews and other methods to assess the individual's ability and willingness to effectively practice bias-free policing. EHPD's hiring plan shall also include steps to encourage qualified minority and other candidates who have a demonstrated ability to serve diverse communities to apply for positions in EHPD.	
Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 180-day mark.
Recommendations	The JCE will continue to work with EHPD to review current hiring, promotion and performance processes.
Evidentiary Basis	Reviewed civil service testing process and outcomes. One of the new recruits speaks Spanish.
SITE VISIT	<u>Questions/Next Steps</u> Continue to monitor

**C. Language Assistance**

39. EHPD shall ensure effective communication with and provide timely and meaningful access to police services to all members of the community, regardless of their national origin or limited ability to speak, read, write, or understand English. To achieve this outcome, EHPD shall:

- a) develop and implement a comprehensive language assistance plan and policy that complies, at a minimum, with Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. § 2000d et seq.) and other applicable law, and comports with professional policing practices;
- b) ensure that all EHPD personnel take reasonable steps to provide timely, meaningful language assistance services to LEP individuals they encounter and whenever an LEP individual requests language assistance services;
- c) identify and assess demographic data, specifically the number of LEP individuals within its jurisdiction and the number of LEP victims and witnesses who seek EHPD services;
- d) use collected demographic and service data to develop and meet specific hiring goals for bilingual staff;
- e) regularly assess the proficiency and qualifications of bilingual staff to become a EHPD Authorized Interpreter (“EHPDAI”);
- f) ensure that 911 call-takers identify an EHPDAI to respond to an incident involving an LEP individual. If no EHPDAI is available, the personnel shall contact a telephonic interpretation service provider. The call-taker shall note in information to the radio dispatch that the 911 caller is an LEP individual and indicate the language;
- g) develop protocols for interpretation for interrogations and interviews of LEP individuals, including requiring and ensuring the use of a qualified interpreter for the taking of any formal statement that could adversely affect a suspect or witness’ legal rights;
- h) develop and implement a process for taking, responding to and tracking civilian complaints and resolutions of complaints filed by LEP individuals;
- i) implement a process for recruitment of qualified bilingual personnel to meet demonstrated service needs. As part of this process, EHPD shall establish significant and sustained relationships with local and state-wide institutions and community organizations that can serve as the source of qualified bilingual applicants and facilitate outreach to such advocates; and
- j) implement effective incentives for bilingual employees to become EHPDAIs, such as pay differentials and consideration in performance evaluations, assignments, and promotions.

Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 180-day mark and EHPD remains in compliance through the 30-month mark. The plan is described in detail in Policy and Procedure 301.2 which is a thorough and complete document mandating: 1) the appointment of the Language Assistance Coordinator, 2) procedures for notifying the public about the EHPD’s language services, 3) hiring goals for bilingual staff at the EHPD, and 4) the qualifications for members of the Department authorized to act as EHPD interpreters (EHPDAI). It also establishes protocols for hiring contract interpreters to

	provide interpretation and translation service as necessary, currently through Language Line Solutions, but also from other vendors should Language Line Solutions be no longer available. The policy prescribes one hour of training for all EHPD personnel in how to assist LEP individuals in conducting their business with the Department. Procedures for conducting interrogations and interviews of LEP individuals, as well as taking complaints against the Department from, and reporting dispositions of complaint investigations to, LEP individuals are also established by the policy. Language Assistance Coordinator, Lt. David Emerman, is a fluent Spanish speaker, who also serves as the Community Liaison Officer, required by Agreement Paragraph 181.
Recommendations	JCE will continue to monitor bilingual staff hiring and processes and procedures for assisting LEP individual conducting business with the EHPD.
Evidentiary Basis	Language Assistance Plan. Hiring Language Assistance Coordinator. Policy 301.2 Interviews with Lt. Emerman. Lt. Emerman 30-month Report: For first six months of 2015 The Language Line received 9 calls of which 5 requested assistance for Spanish, 3 (Same caller/incident) were for Turkish interpretation services and 1 was for Nepali. CAD/RMS Calls EHPD received 21 requests for language assistance from January 1, 2015 through June 30, 2015, of which 18 calls were for Spanish.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue meeting/communicating with EHPD Language Access Coordinator/Community Liaison Officer Lt. Emerman regarding his ongoing interactions in the community. Another Spanish-speaking EHPD officer has been assigned to Lt. Emerman for training as Liaison to the community.

40. EHPD shall translate the language assistance plan and policy into Spanish and other languages as appropriate, and post the English and translated versions in a public area of the police department building, as well as online, and in any other locations throughout the Town where individuals go to seek police assistance. EHPD shall distribute the language assistance plan and policy to a variety of community organizations serving LEP communities encountered by EHPD.	
Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 180-day mark.
Recommendations	Continue to provide the JCE with a list of community organizations who have received the plan.
Evidentiary Basis	Language Assistance Plan. Policy 301.2 Language Assistance Plan and policy has been translated into Spanish and is available at the Hagaman Library, Town Hall and at EHPD.
SITE VISIT	<u>Questions/Next Steps</u> Continue to ensure this and other needed police materials are available, at a minimum in Spanish, as Spanish is the primary second language utilized by citizens of East Haven.

41. EHPD shall distribute its LEP plan and policy to all staff and police personnel, and, within 180 days of the Effective Date provide a minimum of one hour of training to all personnel on providing language assistance services to LEP individuals. This training shall include:

- a) EHPD's LEP plan and policies, and the requirements of Title VI and this Agreement;
- b) how to access EHPD-authorized, telephonic and in-person interpreters;
- c) how to work with interpreters in the field;
- d) cultural diversity and language barrier policing; and
- e) basic command Spanish for officers assigned to patrol areas with significant LEP populations.

Compliance Rating	Full Compliance
Discussion	This requirement was completed by the 180-day mark.
Recommendations	None
Evidentiary Basis	Language Assistance Plan and Training Report.
SITE VISIT	<u>Questions/Next Steps</u> None

42. Within 60 days of Effective Date, the Town shall designate a language access coordinator who shall coordinate and ensure EHPD's compliance with its language assistance plan.

Compliance Rating	Substantial Compliance
Discussion	This requirement was completed by the 60-day mark.
Recommendations	None
Evidentiary Basis	Lt. Emerman assigned
SITE VISIT	<u>Questions/Next Steps</u> The JCE continues to discuss outreach efforts with Lt. Emerman and ensure a designated language access coordinator succession is in place if staffing changes/promotions occur. Lt. Emerman reported to the JCE that another Spanish-speaking EHPD officer has been assigned to Lt. Emerman for training as Liaison to the community and as a future successor.

43. Within 60 days of the Effective Date, EHPD shall develop and implement a process of consultation with representatives of the LEP community to develop and at least annually review: implementation of the language assistance plan, including areas of possible collaboration to ensure its effectiveness; identification of additional languages that would be appropriate for translation of materials; accuracy and quality of EHPD language assistance services; and concerns, ideas, and strategies for ensuring language access.

Compliance Rating	Substantial Compliance
Discussion	According to EHPD, this requirement was completed by the 60-day mark.
Recommendations	The JCE recommends that the EHPD report on their annual review of the Language Access Plan. A Spanish-speaking EHPD officer has been assigned to Lt. Emerman for training as successor for the community Liaison.
Evidentiary Basis	Language Assistance Plan (LAP), which is in place.

SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to work with Lt. Emerman on reviewing the Language Assistance Plan and ensure the succession plan is still in place.
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## VI. STOPS, SEARCHES, AND ARRESTS

44. EHPD shall ensure that all EHPD investigatory stops, searches, and arrests are conducted in accordance with the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. EHPD shall ensure that investigatory stops, searches, and arrests are part of an effective overall crime prevention strategy; are consistent with community priorities for enforcement; and are carried out even-handedly. To achieve these outcomes, EHPD shall implement the requirements below.

Compliance Rating	Substantial Compliance
Discussion	This is an introductory paragraph outlining the goals and objectives of the stops, searches, and arrest section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces.
Recommendations	None
Evidentiary Basis	n/a

### A. Investigatory Stops and Detentions

45. EHPD officers shall conduct investigatory stops or detentions only where the officer has reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, searches and arrests on December 11, 2013, and the policies and procedures were revised and re-approved in 2014. Additional revisions were made in 2015. The JCE started randomly sampling supervisor reports and incidents and arrest reports during site visits in January, April, and June 2015. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. JCE conducted a random sampling of supervisor and incident reports online using an EHPD computer during site visits.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to sample officer and supervisor reports

46. EHPD officers shall not use “canned” or conclusory language in any reports documenting investigatory stops, detentions and searches. Articulation of reasonable suspicion and probable cause shall be specific and clear.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013 and the policies and procedures were revised/reapproved in 2014. Additional revisions were made in 2015. The JCE continued randomly sampling supervisor reports and incidents and arrest reports during site visits in January, April, and June 2015. There were no cases of “canned” or conclusory language readily detectable and seemed to have been completed according to policy in all cases reviewed.
Recommendations	EHPD Supervisors continue to review all arrests, searches, detentions, and stops
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue to sample officers’ reports and sample citizen complaints.

47. EHPD officers shall not use or rely on information known to be materially false or incorrect in effectuating an investigatory stop or detention.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013 and the policies and procedures were revised/reapproved in 2014. Additional revisions were made in 2015. The JCE randomly sampled supervisor reports and incidents and arrest reports during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement.
SITE VISIT	<u>Questions/Next Steps</u> The JCE will continue randomly sampling supervisor/incident and arrest reports.

48. EHPD officers shall not use demographic category as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, except as part of an actual and credible description of a specific suspect in an ongoing investigation.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. Additional revisions were made in 2015. The JCE randomly sampled supervisor reports and incidents and arrest reports during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed.

Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement.
SITE VISIT	Questions/Next Steps The JCE will continue randomly sampling supervisor/incident and arrest reports.

## B. Searches

49. EHPD officers shall not use demographic category in exercising discretion to conduct a warrantless search or to seek a search warrant, except as part of an actual and credible description of a specific suspect in an ongoing investigation.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, search warrant applications, incident and arrest reports and reviewed all search warrants during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed and no cases appeared to have used demographic category in conducting warrantless searches or in seeking search warrants.
Recommendations	None
Evidentiary Basis	Policies 409.3 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports and stop data and review of all search warrants on January, April and June 2015 site visits.
SITE VISIT	Questions/Next Steps: The JCE will continue to review arrest reports, stop data and search warrants.

50. Where an officer seeks consent for a search, the officer shall affirmatively inform the subject of his or her right to refuse and to revoke consent at any time, articulate and document the independent legal justification for the search, and document the subject's consent on a written form that explains these rights.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, incidents and arrest reports and reviewing all search warrants during site visits in 2015. The EHPD performed according to policy in all cases reviewed.  On December 19, 2014, a modification request was made to and approved by the court to remove the requirement that such consent be in writing if it is otherwise captured on the body cameras. The Parties submitted that the video



	is better evidence of the consent, and the written requirement superfluous.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports, stop data and search warrants on January, April and June 2015 site visits.
SITE VISIT	Questions/Next Steps: The JCE will continue to review of arrest reports, stop data and search warrants. The JCE will seek to review any videotaped consent to search during future site visits.

51. EHPD shall ensure that the consent to search form includes separate signature lines for civilians to affirm that they understand they have a right to refuse, and for officers to certify that they have read and explained the right to refuse to the civilian	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE started randomly sampling supervisor reports, incidents and arrest reports, and reviewing all search warrants during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports and stop data and review of all search warrants on January, April and June site visits. The JCE has reviewed the search consent form and it conforms to requirements of Settlement Agreement.
SITE VISIT	Questions/Next Steps: The JCE will continue to review reports, forms and documentation related to searches.

52. An affidavit or sworn declaration supporting an application for a search warrant shall provide an accurate, complete, and clear description of the offense, the place or thing to be searched, scope of the search, and time and method of the search.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, incidents and arrest reports and reviewed all search warrants during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest



	policies and procedures throughout the Settlement Agreement. Random review of arrest reports and stop data and all search warrant applications and affidavits on January, April and June 2015 site visits.
SITE VISIT	Questions/Next Steps: The JCE will continue to review all search warrant affidavits/applications.

53. A supervisor shall review each request for a search or arrest warrant, including each affidavit or declaration before it is filed by an officer in support of a warrant application, for appropriateness, legality, and conformance with EHPD policy and this Agreement. The supervisor shall assess the information contained in the warrant application and supporting documents for authenticity, including an examination for “canned” or conclusory language, inconsistent information, and lack of articulation of a legal basis for the warrant.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, incidents and arrest reports and reviewed all search warrants during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports, stop data and all search warrant applications and affidavits on January, April and June 2015 site visits. JCE also reviewed all search warrants and affidavits issued during the period of January 1, 2015 through June 30, 2015, and the JCE believes that all warrants and affidavits obtained and served met standard police practice, no canned or conclusory language was detected, and seemed to meet constitutional requirements. All affidavits and search warrants were signed off by a supervisor.
SITE VISIT	Questions/Next Steps: The JCE will continue to review supervisor reports and all search warrant applications.

54. As part of the supervisory review, the supervisor shall document in an auditable format those warrant applications that are legally unsupported, are in violation of EHPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The supervisor shall take appropriate action to address violations or deficiencies, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. The quality and accuracy of search warrants and supportive affidavits or declarations shall be taken into account in officer performance evaluations.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and

	procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, incidents and arrest reports, and reviewed all search warrants and affidavits during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed. There were no unsupported warrant applications reported to the JCE
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of all arrest reports and stop data and review of all search warrants during January, April and June site visits. 12 were applied for and granted during the first six months of 2015. The supervisors and JCE found no unsupported warrant applications, or in violation of EHPD policy or this Agreement.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue review supervisory reports and search warrant applications

55. A supervisor shall review the operational plan for the execution of a search warrant and, absent exceptional circumstances, shall be present for execution of the search warrant. A supervisor shall document in the case file the exceptional circumstances preventing his or her presence. Once executed, a supervisor shall review the execution of the search warrant. Supervisors shall memorialize their reviews in writing within 24 hours of the execution of a search warrant. The quality of these supervisory reviews shall be taken into account in the supervisor's performance evaluations.

Compliance Rating	Substantial Compliance
Discussion	<p>The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, incident and arrest reports, and reviewed all search warrants and affidavits during site visits in January, April and June 2015. The EHPD performed according to policy in all cases reviewed.</p> <p>On December 19, 2014, the Parties requested and the Court approved a modification to this paragraph to modify the operational plan requirements for executing search warrants to eliminate the requirement when the warrant is for medical records (i.e. Emergency Room records for DUI) or telephone/internet records. These situations do not require intrusion into someone's premises, etc. and again may not have been intended when the Settlement Agreement was negotiated.</p>
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports, stop data on January, April and June 2015 site visits. 12 warrants were applied for and granted during the first six months of 2015.

	All twelve were reviewed by the JCE. A supervisor was present at each search and reviews were documented properly.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to review supervisory reports and search warrants and search warrant applications.

56. EHPD shall maintain centrally a log listing each search warrant, the case file where a copy of such warrant is maintained, the officer who applied for, and each supervisor who reviewed the application for a search warrant.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and the policies and procedures were revised/reapproved in 2014. The JCE randomly sampled supervisor reports, incident and arrest reports, and reviewed all search warrants during site visits in January, April and June 2015. The JCE reviewed all 12 search warrants and applications issued this period. The EHPD performed according to policy in all cases reviewed. Due to the low number, in lieu of a log, the EHPD kept a copy of each one in a separate folder readily accessible for review. Should the volume increase, the EHPD told the JCE, they will implement a log.
Recommendations	None
Evidentiary Basis	Policies 409.3, 420.2, 427.2 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports, stop data on January, April and June 2015 site visits. The JCE then reviewed all 12 search warrant folders and found them order.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all search warrants and affidavits.

### C. Arrests

57. EHPD officers shall only arrest an individual where the officer has probable cause. In effectuating an arrest, EHPD officers shall not rely on information known to be materially false or incorrect. Officers may not consider demographic category in effecting an arrest, except as part of an actual and credible description of a specific suspect in an ongoing investigation	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented of policies and procedures related to arrests on December 11, 2013. The JCE randomly sampled arrest reports and reviewed all use of force reports after training was completed in February 2014 and for the remainder of the year. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest

	procedures in the EHPD Policies and Procedures Manual. Review of all use of force reports and random sample of arrest reports reviewed on January, April and, June 2015 site visits revealed no instances where officers relied on materially false or incorrect information.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all use of force reports and randomly sample arrest reports.

58. An officer shall immediately notify a supervisor when effectuating: a felony arrest; an arrest where the officer used force; an arrest for obstructing or resisting an officer; any arrest for the violation of interfering with an officer; any arrest for violation of either breach of the peace in the second degree or disorderly conduct in which the violative conduct is (a) a reaction to police presence or officer conduct, or (b) targeted towards a police officer; or a custodial arrest for a vehicle infraction, and the supervisor shall, absent exceptional circumstances, immediately respond to the scene. A supervisor shall document in the case file the exceptional circumstances preventing his or her presence.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to arrests on December 11, 2013. The JCE randomly sampled arrest reports, supervisor reports and reviewed all use of force reports after training was completed in February 2014 and for the remainder of the year. The EHPD performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest procedures in the EHPD Policies and Procedures Manual. All use of force reports and random sample of arrest reports reviewed on January, April and June 2015 site visits revealed proper notification of supervisors who also responded to the scene.
SITE VISIT	<u>Questions/Next Steps:</u> JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports to look for notifications of supervisors for such arrests

59. The responding supervisor shall approve or disapprove the officer's arrest recommendation, based on the existence of justifiable probable cause and EHPD policy. The supervisor shall take appropriate action to address violations or deficiencies in the officer's arrest recommendation, including releasing the subject, recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to arrests on December 11, 2013. The JCE randomly sampled arrest reports and supervisory reports and reviewed all use of force reports after training was completed in February 2014 and for the remainder of the year. The EHPD

	performed according to policy in all cases reviewed.
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest procedures in the EHPD Policies and Procedures Manual. Review of all use of force reports and random sample of arrest reports reviewed on January, April and June 2015 site visits. No deficiencies or violations were detected.
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>The JCE did not find any violations or deficiencies, but will continue to monitor closely.</p> <p>The JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.</p>

60. At the time of presentment at EHPD headquarters, a watch commander or supervisor shall visually inspect each detainee or arrestee for injury, interview the detainee or arrestee for complaints of pain, and ensure that the detainee or arrestee receives medical attention from an appropriate medical provider, as necessary. The watch commander or supervisor shall document the results of the visual inspection in writing.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to arrests on December 11, 2013. The JCE randomly sampled arrest and supervisory reports and reviewed all use of force reports after training was completed in February 2014 and for the remainder of 2014 and 2015. The JCE randomly inspected detainee questionnaires and found that supervisors and commanders reviewed them per EHPD policy. The EHPD performed according to policy in the vast majority of cases reviewed. There were some that had “yes” answers to questions that required further follow-up per EHPD policy. All were concerning minor issues, however, the JCE notified EHPD to correct situation.
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest procedures in the EHPD Policies and Procedures Manual. Review of all use of force reports and random sample of arrest reports reviewed on January, April and June 2015 site visits. The JCE randomly inspected detainee questionnaires and found that supervisors and commanders reviewed them per EHPD policy. The EHPD performed according to policy in the vast majority of cases reviewed. There were some that had “yes” answers to questions that required further follow-up per EHPD policy. All were concerning minor issues, however, the JCE notified EHPD to correct situation.
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>The JCE found some minor deficiencies and will continue to monitor closely. JCE will continue to review all use of force reports and randomly sample arrest, supervisory and visual inspection reports (Detainee reports).</p>

61. EHPD officers shall complete all arrest reports before the end of shift. EHPD field supervisors shall review each arrest report of officers under their command and shall memorialize their review in writing within 12 hours of the arrest, absent exceptional circumstances. Supervisors shall review reports and forms for “canned” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.	
Compliance Rating	Substantial Compliance
Discussion	<p>The EHPD implemented policies and procedures related to arrests on December 11, 2013. Review of all use of force reports and random sample of arrest and supervisory reports reviewed on January, April and June 2015 site visits.</p> <p>On December 19, 2014, a modification to this paragraph was approved by the Court to modify the requirement to complete all arrest reports before the end of the shift to “custodial arrests.” Since a non-custodial motor vehicle summons is considered an arrest, completing the reports before the end of the shift is creating a significant burden which the Parties believe was not intended. The Parties would continue the requirement for all custodial arrests, but requested additional time for the motor vehicle summons.</p>
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest procedures in the EHPD Policies and Procedures Manual. Review of random sample of arrest reports on January, April and June 2015 site visits revealed they were completed and reviewed in a timely manner
SITE VISIT	<p>Questions/Next Steps:</p> <p>JCE will continue to randomly sample arrest and supervisory reports.</p>
62. As part of the supervisory review, the supervisor shall document in an auditable format those arrests that are unsupported by probable cause, are in violation of EHPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The supervisor shall take appropriate action to address violations or deficiencies in making arrests, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken, to identify officers needing repeated corrective action. The supervisor shall ensure that each violation or deficiency is noted in the officer’s performance evaluations. The quality of these supervisory reviews shall be taken into account in the supervisor’s own performance evaluations. EHPD shall take appropriate corrective or disciplinary action against supervisors who fail to conduct reviews of adequate and consistent quality.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to arrests on December 11, 2013. Review of all use of force reports and random sample of arrest and supervisory reports reviewed on January, April and June 2015 site visits. There were no arrests unsupported by probable cause, or in violation



	of EHPD policy or this Agreement.
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest procedures in the EHPD Policies and Procedures Manual. The JCE randomly reviewed arrest reports and found that there were no arrests unsupported by probable cause, or in violation of EHPD policy or this Agreement.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.

63. A command-level official shall review, in writing, all supervisory reviews related to arrests that are unsupported by probable cause, are in violation of EHPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The commander's review shall be completed within seven days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken, including referring the incident to the IAO for investigation.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented of policies and procedures related to arrests on December 11, 2013. Review of all use of force reports and random sample of arrest reports reviewed on January, April and June 2015 site visits. There were no arrests unsupported by probable cause.
Recommendations	None
Evidentiary Basis	Policies 412.2 and 413.2 and other relevant policies addressing arrest procedures in the EHPD Policies and Procedures Manual. All use of force reports and random sample of arrest and supervisory reports reviewed on January, April and June 2015 site visits by the JCE found there were no arrests unsupported by probable cause, or in violation of EHPD policy or this Agreement.
SITE VISIT	<u>Questions/Next Steps:</u> JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.

#### **D. Stop and Search Data Collection and Review**

64. EHPD shall, consistent with this Agreement, develop a comprehensive policy on stops, searches and seizures. This policy shall have the following elements:

- a) A requirement that prior to making traffic stops, officers notify dispatch about known information, including the number of occupants of the vehicle, the perceived race or ethnicity of the occupants, and a description of the basis for the stop;
- b) A detailed description of the justification necessary for officers to make stops and arrests;

<p>c) A requirement that all stops, searches, and seizures be documented in an Incident Report that records:</p> <ul style="list-style-type: none"> <li>i. the officer's name and badge number;</li> <li>ii. date, time, and location of the stop;</li> <li>iii. duration of the stop;</li> <li>iv. the apparent race, color or ethnicity of the individual, based on the police officer's reasonable observation and perception;</li> <li>v. the suspected violation that led to the stop;</li> <li>vi. whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence;</li> <li>vii. the post-stop action taken with regard to the violation (including a warning, a citation, an arrest, or a use of force); and</li> <li>viii. whether any search was conducted, the kind of search conducted, the basis for the search, whether the search was consensual or non-consensual, and the outcome of the search.</li> </ul>	
Compliance Rating	Substantial Compliance
Discussion	Spector Training Network trained the EHPD on Policies 409.3 and 420.2 as required in Paragraph 78 of the Settlement Agreement, which included instruction in the Fourth Amendment and related law, as well as First Amendment and related law.
Recommendations	None
Evidentiary Basis	Policies 409.3 Motor Vehicle Stops and Policy 420.2 Search and Seizure and other relevant policies in the EHPD Policies and Procedures Manual were reviewed and approved by the JCE and DOJ.
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>None</p>

<p>65. Within 270 days of the Effective Date, EHPD shall develop a system to collect data on all investigatory stops and searches, whether or not they result in an arrest or issuance of a citation. This system shall allow for analysis and searches and also shall be integrated into the EIS. EHPD's stop and search data collection system shall be subject to the review of the Joint Compliance Expert and DOJ, and shall require officers to document all required information</p>	
Compliance Rating	Substantial Compliance
Discussion	The JCE reviewed stop and search data collected/analyzed in the EHPD computer system within the 270 day mark and through the 30-month reporting period. The State of Connecticut categorization glitches were corrected just after the 365-day mark. However, obtaining more detail on Hispanic drivers has proved challenging. EHPD has provided additional helpful information to track geographic data, but not demographic data due to



	the small size of the town. Analysis of stops data revealed one EHPD officer who may have stopped Hispanics at a disproportionate rate. EHPD's investigation of this officer, which included reviewing videotaped stops, revealed no bias by this rookie officer in conducting the stops. The JCE and the EHPD will continue to collaborate and monitor.
Recommendations	The JCE will continue to work with the Parties on carefully reviewing this paragraph's requirements and perhaps developing new methodologies to collect additional detailed data for this broad categorization of Hispanic drivers. The EHPD has obtained new software for collecting additional geographic and demographic information about investigatory stops and searches. However, there is no significant demographic data available due to the small size of the town.
Evidentiary Basis	The on-site database and EHPD reports were reviewed. Random incidents involving Hispanic drivers were reviewed
SITE VISIT	<u>Questions/Next Steps:</u> Continue to drill down into the stop data and incident reports.

66. Officers shall submit documentation of investigatory stops and detentions, and any searches resulting from or proximate to the stop or detention, including a complete and accurate inventory of all property or evidence seized, to their supervisors by the end of the shift in which the police action occurred. Absent exceptional circumstances, within 12 hours of receiving a report on an investigatory stop and detention or search, a supervisor shall review the report and shall document: (a) those investigatory stops and detentions that appear unsupported by reasonable suspicion, (b) those searches that appear to be without legal justification; (c) stops or searches in violation of EHPD policy or this Agreement, or (d) stops or searches that indicate a need for corrective action or review of agency policy, strategy, tactics, or training.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013, and property inventory procedures, and training on these policies and procedures was completed in February 2014. Implementation continued throughout 2014 and 2015.
Recommendations	Supervisory reports should continue to be reviewed.
Evidentiary Basis	Supervisory Reports. There were no policy violations or unsupported stops, or stops without legal justification revealed. Individual interviews with officers and supervisors. As per EHPD all reports were submitted within a proper time frame.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to monitor supervisory reports.

67. The supervisor shall take appropriate action to address all violations or deficiencies in investigatory stops or detention or executing a search, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken, if any, to identify officers needing repeated corrective action. The supervisor shall ensure that each violation or deficiency is noted in the officer's performance evaluations. The quality and completeness of these supervisory reviews shall be taken into account in the supervisor's own performance evaluations. EHPD shall take appropriate corrective or disciplinary action against supervisors who fail to conduct complete, thorough, and accurate reviews of officers' investigatory detentions and searches.

Compliance Rating	Substantial Compliance
Discussion	The EHPD implemented policies and procedures related to investigatory stops, detentions and searches on December 11, 2013 and training on these policies and procedures was completed in February 2014. Implementation continued throughout 2014 and 2015.
Recommendations	Supervisory reports should continue to be reviewed.
Evidentiary Basis	Policy 215.1 Supervisory Reports. Interviews with officers and supervisors and reviews of EIS. No violations or deficiencies were found.
SITE VISIT	Questions/Next Steps: The JCE will continue to monitor supervisory reports.

68. EHPD shall develop a protocol for comprehensive analysis, on at least a quarterly basis, of the stop and search data collected. This protocol shall be subject to the review of the Joint Compliance Expert and DOJ, and shall identify and incorporate appropriate benchmarks for comparison.

Compliance Rating	Substantial Compliance
Discussion	A report covering these data was completed for all quarters.
Recommendations	Continue to review data and conduct individual interviews as needed.
Evidentiary Basis	Quarterly stop and search data report. Additional information provided by EHPD through email to JCE.
SITE VISIT	Questions/Next Steps: The JCE is continuing to monitor quarterly reports. Continue conversation with EHPD.

69. On at least a semi-annual basis, EHPD and the Board of Police Commissioners shall issue a report summarizing the stop and search data collected, the analysis of that data, and the steps taken to correct problems and build on successes. The report shall be publicly available.

Compliance Rating	Substantial Compliance
Discussion	Quarterly stat sheets and semi-annual reports were agreed upon by the Parties.

Recommendations	Continue to carefully review and analyze report data.
Evidentiary Basis	Reports delivered and reviewed. (quarterly and semi-annual) Conversations with EHPD Compliance Coordinator. Discussions on conference calls with Parties. Analysis of data conducted by JCE- see JCE's Summary section in this report
SITE VISIT	<p><u>Questions/Next Steps:</u> Go over quarterly data in detail with Compliance Coordinator; Request additional data/materials as needed.</p> <p>Although the data is released in a table form that is made public every quarter, the JCE is continuing to closely monitor the stop and search data/report and work with EHPD to make sure the report adequately summarizes and analyzes the data. EHPD working to breakdown data further for more accurate analysis.</p> <p>The EHPD has also been doing semi-annuals of the full report and it is available on their website. EHPD has submitted to the JCE a more detailed breakdown of this data. JCE has analyzed this data and has not detected any major issues. See analysis in Stops, Search, and Seizures section of this report. JCE will continue to request and monitor this data going forward.</p>

70. EHPD shall ensure that all databases containing individual specific data comply fully with federal and state privacy standards governing personally identifying information. EHPD shall develop a process to restrict database access to authorized, identified users who are accessing the information for a specific and identified purpose.	
Compliance Rating	Substantial Compliance
Discussion	The JCE confirmed that there are current privacy processes in place and sufficient database access.
Recommendations	None
Evidentiary Basis	Policy 204.2 JCE visit and review.
SITE VISIT	<p><u>Questions/Next Steps:</u> None</p>

#### **E. First Amendment Right to Observe and Record Officer Conduct**

71. EHPD shall ensure that onlookers or bystanders may witness, observe, record, and/or comment on officer conduct, including stops, detentions, searches, arrests, or uses of force in accordance with their rights, immunities, and privileges secured or protected by the Constitution or laws of the United States. Officers shall respect the right of civilians to observe, record, and/or verbally comment on or complain about the performance of police duties occurring in public, and EHPD shall ensure that officers understand that exercising this right serves important public purposes.
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Compliance Rating	Substantial Compliance
Discussion	Policy 204.2 was issued in November and December 2013. All Department members were trained on this policy by March 2014 and it was implemented throughout 2014 and 2015.
Recommendations	None
Evidentiary Basis	Policy 204.2 EIS
SITE VISIT	<u>Questions/Next Steps:</u> None

72. Individuals observing stops, detentions, arrests and other incidents shall be permitted to remain in the proximity of the incident unless there is an actual and articulable law enforcement basis to move an individual, such as: an individual's presence would jeopardize the safety of the officer, the suspect, or others in the vicinity; the individual violates the law; or the individual incites others to violate the law.

Compliance Rating	Substantial Compliance
Discussion	All Department members were trained on all policies in February 2014 and new officers also received training in 2015.
Recommendations	None
Evidentiary Basis	Policy 204.2 Training schedule and Roster provided to the JCE. On-site observation.
SITE VISIT	<u>Questions/Next Steps:</u> None

73. Individuals shall be permitted to record police officer enforcement activities by camera, video recorder, cell phone recorder, or other means, unless there is an actual and articulable law enforcement basis to deny permission.

Compliance Rating	Substantial Compliance
Discussion	This policy was issued in November 2013 and was fully implemented after training occurred in early 2014. Training continues as new officers join the Dept.
Recommendations	The JCE has to rely on complaints received by the IA Officer and supervisors.
Evidentiary Basis	Policy 204.2
SITE VISIT	<u>Questions/Next Steps:</u> Protocols have been followed as far as the JCE has learned. There have been no complaints from the community or anyone else. The only case reported was that of an EHPD officer who self-reported to his supervisor that he was being recorded, but no other issues found.

74. Officers shall not threaten, intimidate, or otherwise discourage an individual from remaining in the proximity of or recording police officer enforcement activities.	
Compliance Rating	Substantial Compliance
Discussion	There have been no reports of officers intimidating or discouraging citizens from recording them.
Recommendations	None
Evidentiary Basis	Policy 204.2 On-site observation. There have been no complaints from the community or anyone else. The only case reported was that of an EHPD officer who self-reported to his supervisor that he was being recorded, but no other issues found.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to review police reports, complaints by citizens. There have been no complaints from the community or anyone else as reported to the JCE. The only case reported was that of an EHPD officer who self-reported to his supervisor that he was being recorded, but no other issues found.

75. Officers shall not detain, prolong the detention of, or arrest an individual for remaining in the proximity of, recording or verbally commenting on officer conduct directed at the individual or a third party, unless there is an actual and articulable law enforcement basis for the detention.	
Compliance Rating	Substantial Compliance
Discussion	None
Recommendations	None
Evidentiary Basis	Policy 204.2 On-site observation.
SITE VISIT	<u>Questions/Next Steps:</u> None

76. Officers shall report to their supervisors whenever they believe they have been recorded by a member of the public.	
Compliance Rating	Substantial Compliance
Discussion	Supervisors know they need to monitor and report on this. One case was properly reported and documented in 2014. No cases have come up this reporting period. As of October 1, 2015, it will be illegal in CT for the police to interfere with any person recording or photographing them <a href="https://www.cga.ct.gov/2015/act/pa/pdf/2015PA-00004-R00HB-07103SS1-PA.pdf">https://www.cga.ct.gov/2015/act/pa/pdf/2015PA-00004-R00HB-07103SS1-PA.pdf</a>
Recommendations	None

Evidentiary Basis	Policy 204.2 Incident and Supervisory Report.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to monitor reports and verify compliance of this paragraph with EHPD command staff.

77. Officers shall not seize or otherwise coerce production of recorded sounds or images, without obtaining a warrant, or order an individual to destroy such recordings. Where an officer has a reasonable belief that a bystander or witness has captured a recording of critical evidence related to a felony, the officer may secure such evidence for no more than six hours while a legal subpoena, search warrant, or other valid order is obtained.	
Compliance Rating	Substantial Compliance
Discussion	Modified from three hours from the original Settlement Agreement under July 17, 2013 Order Modification, because three hours would not be long enough time to draft search warrant affidavit, review by a supervisor and prosecutor, and submit to judge.
Recommendations	None
Evidentiary Basis	Policy 204.2 Incident and Supervisory Reports reviewed and no violations of this paragraph were detected.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to monitor reports to ensure it is being done.

#### **F. Stop, Search and Arrest Training**

78. EHPD shall provide all officers with comprehensive training on stops, searches and arrests, including the requirements of this Agreement, of no fewer than 8 hours within 180 days of the Effective Date and between 4 – 6 hours on an at least an annual basis thereafter. Such training shall be taught by a competent legal instructor with significant experience litigating, or teaching at an accredited law school, Fourth Amendment issues, and shall:	
<ul style="list-style-type: none"> <li>a) address Fourth Amendment and related law; EHPD policies, and requirements in this Agreement regarding searches and seizures;</li> <li>b) address First Amendment and related law in the context of the rights of individuals to verbally dispute, observe, and record officer conduct;</li> <li>c) address the difference between various police contacts by the scope and level of police intrusion; between probable cause, reasonable suspicion and mere speculation; and voluntary consent from mere acquiescence to police authority;</li> <li>d) provide guidance on the facts and circumstances that should be considered in initiating, conducting, terminating, and expanding an investigatory stop or detention;</li> <li>e) provide guidance on proper and improper use of pretextual stops.</li> <li>f) provide guidance on the level of permissible intrusion when conducting searches, such as “pat-downs” or “frisks”;</li> <li>g) provide guidance on the legal requirements for conducting searches, with and</li> </ul>	

without a warrant; h) provide guidance on the nature and scope of searches based on the level of permissible intrusion on an individual's privacy interests, including searches conducted pursuant to probation or parole release provisions; i) specify the procedures for executing searches, including handling, recording, and taking custody of seized property or evidence; j) provide guidance on effecting an arrest with and without an arrest warrant; and k) provide guidance regarding the nature and scope of searches incident to an arrest.	
Compliance Rating	Substantial Compliance
Discussion	Training was provided by June 19, 2013, the 180-day mark. Spector Training Network has provided eight hours of stop, search, and arrest training as required in this Settlement Agreement paragraph, including instruction in the Fourth Amendment and related law, as well as First Amendment and related law. This training was provided prior to the completion and approval of the policy manual. Additional training on revised policies was included in the Jan. and Feb. 2014 training. The EHPD has scheduled training that will meet the 4-6 hour requirement in 2015.
Recommendations	The JCE should be notified of any additional review or new training in this area if policies are revised again. The JCE will work with EHPD to confirm and coordinate site visits to coincide with as many trainings as possible.
Evidentiary Basis	Training curricula reviewed by JCE and USDOJ. Training rosters. 2014 Training Calendar. 2015 Training Calendar and roster reviewed by the JCE. Training in April and Training in June 2015, which the JCE attended
SITE VISIT	Questions/Next Steps: The JCE, going forward, will schedule site visits to coincide with future training topic and attend.

## VII. USE OF FORCE

79. EHPD shall develop and implement force policies, training, and review mechanisms that ensure that force by EHPD officers is used in accordance with the rights, privileges, and immunities secured or protected by the Constitution or laws of the United States and that any unreasonable uses of force are identified and responded to appropriately. EHPD shall ensure that officers use non-force techniques to effect compliance with police orders whenever feasible; use physical force only when objectively reasonable; use physical force in a manner that avoids unnecessary injury to officers and civilians; and de-escalate the physical use of force at the earliest possible moment. To achieve these outcomes, EHPD shall implement the requirements set out below	
Compliance	Substantial Compliance



Rating	
Discussion	This is an introductory paragraph outlining the goals and objectives of the use of force section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces.
Recommendations	None
Evidentiary Basis	n/a

#### **A. Use of Force Principles**

<p>80. EHPD uses of force, regardless of the type of force or weapon used, shall abide by the following requirements:</p> <ul style="list-style-type: none"> <li>a) officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to physical force;</li> <li>b) physical force shall be de-escalated immediately as resistance decreases;</li> <li>c) supervisors shall determine whether the action or inaction of officers using physical force, or of other EHPD officers on scene, resulted in the need to use physical force;</li> <li>d) officers will use disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, and/or calling in specialized units, when possible, in order to reduce the need for physical force and increase officer and civilian safety;</li> <li>e) officers shall allow individuals time to submit to arrest before physical force is used wherever possible;</li> <li>f) officers shall not use neck holds or a strike to the head with a hard object, except where lethal force is authorized;</li> <li>g) using physical force against persons in handcuffs is prohibited except in emergencies in which a reasonable officer would believe that bodily harm to another person or persons is imminent;</li> <li>h) unholstering and pointing a firearm at an individual constitutes a use of force and shall be limited accordingly; and</li> <li>i) immediately following a use of physical force officers and, upon arrival, a supervisor, shall inspect and observe subjects for injury or complaints of pain and obtain immediately any necessary medical care. This may require an officer to provide emergency medical care until professional medical care providers are on-scene.</li> </ul>	
Compliance Rating	Substantial Compliance
Discussion	<p>The EHPD has implemented a Use of Force Policy which became effective March 1, 2014.</p> <p>Data was collected from the Law Enforcement Administrative System (LEAS, the EHPD in-house computer system) and used to track and monitor the Use of Force data.</p> <p>During the period from January 1, 2015 to June 30, 2015, there were 34 incidents where use of force was involved.</p>



	<p>Of those 34 incidents, there were 59 total uses of force, which were:</p> <ul style="list-style-type: none"> <li>• 19 Physical (hands on)</li> <li>• 7 Non- Compliant Handcuffing</li> <li>• 15 Firearm (no discharge)</li> <li>• 9 Taser (no discharge)</li> <li>• 9 Pursuits</li> </ul> <p>There were 19 arrests in those 34 incidents and 4 emergency committals. From January 1, 2015 to June 30, 2015, there were a total of 441 arrests and 169 emergency committals.</p>
Recommendations	Continue to review all Use of Force Reports
Evidentiary Basis	<p>Policies 404.2, 405.2 406.3 407.2, 408.2 and 302.2</p> <p>JCE reviewed all use of force reports and found no incidents of neck holds or any other action by officers that would be considered in violation of this Paragraph. All uses of force reviewed revealed that officers attempted to de-escalate the situations before using force.</p>
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>The JCE will continue to review all use of force reports on all site visits.</p>

## B. General Use of Force Policy

<p>81. EHPD shall develop and implement an overarching agency-wide use of force policy that complies with applicable law and comports with professional police practices. The comprehensive use of force policy shall include all force techniques, technologies, and weapons, both lethal and less-lethal, that are available to EHPD officers. The comprehensive use of force policy shall clearly define and describe each force option and the circumstances under which use of such force is appropriate. The general use of force policy will incorporate the use of force principles articulated above and shall specify that the unreasonable use of force will subject officers to discipline, possible criminal prosecution, and/or civil liability.</p>	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training took place in January and February 2014 and covered use of force policies and related issues. Re-training was given during the last period in April and June 2015.
Recommendations	None
Evidentiary Basis	<p>Policies 404.2, 405.2 406.3 407.2, 408.2 and 302.2 reviewed and approved by the Parties.</p> <p>Training Roster.</p>
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>None</p>

82. In addition to a primary agency-wide use of force policy, EHPD shall develop and implement policies and protocols for each authorized weapon, including each of the types of force addressed below. No officer shall carry any weapon or use force that is not authorized by the Department. EHPD use of force policies shall include training and certification requirements that each officer must meet before being permitted to carry and use the authorized weapon.	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training took place in January and February 2014, and covered use of force policies and related issues. New training was given.
Recommendations	None
Evidentiary Basis	Policies 404.2, 405.2 406.3 407.2, 408.2 and 302.2 reviewed and approved by the Parties. Training Roster.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to monitor and conduct on field observation of weapons carried by officers.

### C. Use of Firearms

83. Officers shall not possess or use unauthorized firearms or ammunition, or obtain service ammunition from any source, except through official EHPD channels. All officers' firearms shall be filled with the capacity number of rounds while on duty.	
Compliance Rating	Substantial Compliance
Discussion	Although use of force training was completed in 2013, the new policies and revisions required additional training in January and February 2014. New training was provided. Inspections are conducted during roll call.
Recommendations	None
Evidentiary Basis	Policies 404.2, 405.2, 406.3 407.2, 408.2 and 302.2 Training Roster. Supervisor Interviews. Supervisor Reports. On-site observation of inspection.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review supervisor reports for evidence of random inspections.

84. Officers shall not fire at or from a moving vehicle, unless use of lethal force is justified by something other than the threat from the moving vehicle; shall not intentionally place themselves in the path of or reach inside a moving vehicle; and where possible shall attempt to move out of the path of a moving vehicle before discharging their weapon.	
Compliance	Substantial Compliance

Rating	
Discussion	New Policy Manual training occurred in January and February 2014. All use of force reports were reviewed by the JCE and no incidents of firing at or from a moving vehicle were found.
Recommendations	None
Evidentiary Basis	Policies 404.2, 405.2, 406.3 407.2, 408.2 and 302.2 Roster on Use of Force training. Use of Force Reports were reviewed by the JCE and no incidents of firing at or from a moving motor vehicle were found during this period.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to monitor reports.

85. Officers shall successfully qualify with each firearm they are authorized to use or carry on-duty pursuant to Connecticut requirements. Officers who fail to qualify shall immediately relinquish those firearms on which they failed to qualify. Those officers who still fail to qualify after remedial training within a reasonable time shall be subject to disciplinary action, up to and including termination of employment.

Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training occurred in January and February 2014
Recommendations	None
Evidentiary Basis	Policies 404.2, 405.2, 406.3, 407.2, 408.2 and 302.2 Training Roster. Use of Force Reports.
SITE VISIT	<u>Questions/Next Steps:</u> Through June 30, 2015, there were no officers who failed to qualify. The JCE will continue to monitor.

86. Critical firearm discharges by officers on- or off-duty shall be reported and investigated. Data and analysis related to critical firearm discharges shall be tracked in EIS and EHPD's Use of Force Annual Report.

Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training occurred in January and February 2014.
Recommendations	None
Evidentiary Basis	Policies 404.2, 405.2, 406.3, 407.2, 408.2 and 302.2 Training Roster. Use of Force Reports. EIS. There were no critical firearm discharge incidents from Jan 1, 2015 through June 30, 2015.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to monitor supervisory reports.

**D. Electronic Control Weapons**

87. EHPD shall limit the use of ECWs to only those situations in which such force is necessary to protect the officer, the subject, or another party from immediate physical harm.	
Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	Continue to review all ECW (Taser) incidents.
Evidentiary Basis	Policies 406.3 and 401.3 Use of Force Reports. ECW (Taser) Incidents.
SITE VISIT	Questions/Next Steps: The JCE will continue to review all ECW (Taser) incidents.

88. Unless it would present a danger to the officer or others, officers shall issue a verbal warning to the subject that the ECW will be used prior to use. Where feasible, the officer will defer ECW application a reasonable time to allow the subject to comply with the warning.	
Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all and issued verbal warnings.
Recommendations	Review all ECW (Taser) incidents.
Evidentiary Basis	Policies 406.3 and 401.3 Use of Force Reports reviewed by JCE and revealed no Taser discharges this reporting period.
SITE VISIT	Questions/Next Steps: The JCE will continue to review all ECW (Taser) incident reports to ensure officers are warning subjects and will review body camera video footage of all ECW (Taser) discharges.

89. ECWs will not be used where such deployment may cause serious injury or death from situational hazards, including falling, drowning, losing control of a moving vehicle, or becoming ignited from the presence of a potentially explosive or flammable material or substance, except where lethal force would be permitted.	
Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	Review all ECW (Taser) incidents.

Evidentiary Basis	Policy 406.3 Use of Force Reports. All ECW (Taser) Incidents were reviewed by JCE and no discharges were noted nor violations of this paragraph were noted.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents.

90. After one standard ECW cycle (5 seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary. Officers shall be trained in the risks of prolonged or repeated ECW exposure, including that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Officers shall clearly articulate and justify each and every cycle used against a subject in a written Use of Force Report.

Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	Review all ECW (Taser) incidents.
Evidentiary Basis	Policies 406.3 and 401.3 User of Force Reports. All ECW (Taser) Incidents were reviewed by JCE and no violations of this paragraph were noted.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents.

91. ECWs shall not be used in drive stun mode as a pain compliance technique. ECWs shall be used in drive stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.

Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all. All use of force reports were reviewed by JCE.
Recommendations	Review all ECW (Taser) incidents.
Evidentiary Basis	Policies 406.3 and 401.3 and in-service training. All use of force reports reviewed by JCE. No evidence that ECW's were used in drive stun mode.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents and training.

92. ECWs may not be used against pregnant women, elderly persons, children, visibly frail persons or persons with a slight build and persons in medical or mental crisis, except where lethal force would be permitted, or the officer has reasonable cause to believe there is an imminent risk of serious bodily self-harm and lesser force options are not feasible. Officers shall be trained in the increased risks ECWs may present to the above listed vulnerable populations.	
Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	Review all ECW (Taser) incidents.
Evidentiary Basis	Policies 406.3 and 401.3 User of Force Reports. All ECW (Taser) Incidents were reviewed by JCE and no violations of this paragraph were noted.
SITE VISIT	Questions/Next Steps: The JCE will continue to review all ECW (Taser) incidents.

93. ECWs may not be applied to a subject's head, neck, and genitalia, absent exigent circumstances. ECWs shall not be used on handcuffed persons, except in emergencies in which a reasonable officer would believe that serious bodily harm to another person or persons is imminent.	
Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	Review all ECW (Taser) incidents.
Evidentiary Basis	Policies 406.3 and 401.3 User of Force Reports. All ECW (Taser) Incidents were reviewed by the JCE and no violations of this paragraph were noted.
SITE VISIT	Questions/Next Steps: The JCE will continue to review all ECW (Taser) incidents.

94. Officers shall receive annual ECW certifications, which should consist of physical competency; weapon retention; EHPD policy, including any policy changes; technology changes; and scenario-based training.	
Compliance Rating	Substantial Compliance
Discussion	EHPD confirmed that all officers have been certified as of 2014. Next certification scheduled for Fall 2015.
Recommendations	Review all ECW Taser) incidents
Evidentiary Basis	Policies 406.3 and 401.3

	User of Force Reports. ECW (Taser) Incidents. Certification confirmed in December 2014: EHPD provided JCE with class roster and attendance sheet. Next certification scheduled for Fall of 2015.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents and continue to ensure all officers are certified.

95. Officers shall be trained in and follow protocols developed by EHPD in conjunction with medical professionals, on their responsibilities following ECW use, including:

(a) the removal of ECW probes, including requiring medical or specially-trained EHPD personnel to remove probes that are embedded in a subject's skin, except for probes that are embedded in a subject's head, throat, groin, or other sensitive area, which should be removed by medical personnel only; (b) transporting to a hospital for evaluation all subjects who: have been exposed to prolonged application (more than 15 seconds); are a member of one of the vulnerable populations listed above; had an ECW used against them in circumstances presenting a heightened risk of harm; or were kept in prone restraint after ECW use; and (c) monitoring all subjects who have received ECW application while in police custody.

Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all. All officers received training in the proper use of ECW's and follow-up treatment as of December 2014. Next certification and training scheduled for Fall of 2015.
Recommendations	The JCE will continue to track and confirm that all EHPD officers are trained on the protocol for working with fire department paramedics.
Evidentiary Basis	Policies 406.3 and 401.3 Use of Force Reports. ECW (Taser) Incidents. JCE reviewed all use of force reports and determined they were all in compliance. ECW's were deployed but not discharged. All officers received training as of December 2014. Next certification and training scheduled for Fall 2015.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents. Although no incidents required Fire Department assistance during the reporting period, The EHPD continues its partnership with Fire Department.

96. Officers shall report all ECW discharges, except for training discharges, to their supervisor and the communications command center as soon as possible.

Compliance	Substantial Compliance
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Rating	
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	Review all ECW (Taser) Incidents.
Evidentiary Basis	Policies 406.3 and 401.3 Use of Force Reports. ECW (Taser) Incidents. Supervisor Reports and Interviews checked by JCE. Supervisors periodically inspect ECW's for unreported discharges. All discharges are registered by the device. No unreported discharges were found during inspection.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents.

97. EHPD shall develop and implement integrity safeguards on the use of ECWs to ensure compliance with EHPD policy, including conducting random and directed audits of ECW deployment data. The audits should compare the downloaded data to the officer's report on use of force. Discrepancies within the audit should be addressed and appropriately investigated.

Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all. There were no discrepancies noted.
Recommendations	Review random audits
Evidentiary Basis	Policies 406.3 and 401.3 ECW (Taser) Incident Reports. EHPD Technology Review. All Supervisory Reports were checked by the JCE. Supervisors reported no discrepancies between reports by officers and downloaded data from ECW's.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all ECW (Taser) incidents and random and directed audits submitted by Supervisors.

98. EHPD shall include the number of ECWs in operation and the number of ECW uses as elements of the EIS. Analysis of this data shall include a determination of whether ECWs result in an increase in the use of force and whether officer and subject injuries are affected by the rate of ECW use. ECW data and analysis shall be included in EHPD's Use of Force Annual Report.

Compliance Rating	Substantial Compliance
Discussion	For the period, January 1, 2015 through June 30, 2015, there were 9 Taser deployments with no discharges. Officers and supervisors followed policy for all.
Recommendations	None
Evidentiary Basis	Policies 406.3 and 401.3



	EHPD UOF Annual Report. All ECW (Taser) Incident Reports. Supervisor Interviews. Data included in EIS database and EHPD periodic reports to the JCE regarding EIS.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to review all reports/EIS.

#### **E. Use of Force Reporting Policy and Use of Force Report**

99. EHPD shall develop and implement a single, uniform, reporting system pursuant to a Use of Force Reporting policy and using a single, uniform, Use of Force Report. All officers using or observing force above un-resisted handcuffing shall, absent exigent circumstances report in writing, before the end of shift, the use of force in a Use of Force Report. The Use of Force Report shall include: (a) a detailed account of the incident from the officer's perspective; (b) the reason for the initial police presence; (c) a specific description of the acts that led to the use of force; (d) the level of resistance encountered; and (e) a description of every type of force used. The use of force reporting policy shall explicitly prohibit the use of "canned" or conclusory language in all reports documenting use of force.	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training occurred in January and February 2014. Use of Force form is online where officers access it to complete.
Recommendations	None
Evidentiary Basis	Use of Force Annual Report. All Use of Force Incident Reports were reviewed by the JCE and most were found to be in order, while some used conclusory language, which were brought to the attention of EHPD by the JCE and training recommended.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE shall continue to review all use of force reports in depth every site visit.

100. Officers who use or observe force and fail to report it, shall be held strictly accountable, and face discipline up to and including termination, regardless of whether the force was reasonable.	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training occurred in January and February 2014. EHPD reported that one officer was disciplined for not reporting a use of force (Drawing the firearm, but not using it).
Recommendations	None
Evidentiary Basis	All Use of Force Incident Reports were reviewed by the JCE, as well as Supervisory Reports. EHPD reported that one officer was disciplined for not reporting a use of force (Drawing the firearm, but not using it).
SITE VISIT	<u>Questions/Next Steps:</u>

	Review all use of force reports in depth every site visit.
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101. Each officer in a position to see or hear a use of force shall complete a Use of Force Report, before the end of the shift, documenting the officer's own actions and observations.	
Compliance Rating	Substantial Compliance
Discussion	The JCE has seen compliance of officers completing use of force reports on a timely basis. Since all parties agreed that the unholstering of a weapon (firearm or Taser) while not pointing it at a human being, does not constitute a Use of Force, thus not requiring a use of force review process, and the unholstering of the weapon will be documented on a regular police incident report by EHPD, the issue of officers writing unnecessary Use of Force Reports has been resolved.
Recommendations	None
Evidentiary Basis	All Use of Force Incident Reports were reviewed by the JCE, as well as Supervisory Reports. EHPD reported that one officer was disciplined for not reporting a use of force (Drawing the firearm, but not using it).
SITE VISIT	Questions/Next Steps: The JCE shall continue to review all use of force reports in depth every site visit.

102. Officers' Use of Force Reports (whether primary or supplemental) shall completely and accurately describe the use of force. Officers shall be held strictly accountable for material omissions or inaccuracies in the Use of Force Report.	
Compliance Rating	Substantial Compliance
Discussion	The JCE has seen compliance of officers completing use of force reports on a timely basis. Since all parties agreed that the unholstering of a weapon (firearm or Taser) while not pointing it at a human being, does not constitute a Use of Force, thus not requiring a use of force review process, and the unholstering of the weapon will be documented on a regular police incident report by EHPD, the issue of officers writing unnecessary Use of Force Reports has been resolved.
Recommendations	None
Evidentiary Basis	All Use of Force Incident Reports and Supervisory Reports reviewed by the JCE and determined to be in compliance.
SITE VISIT	Questions/Next Steps: The JCE shall continue to review all use of force reports in depth every site visit.

103. Officers who use or observe force shall notify their supervisors immediately following any use of force or upon receipt of an allegation of unreasonable or unreported use of force by any officer.	
Compliance	Substantial Compliance

Rating	
Discussion	Notifications are normally made through the dispatcher and noted by officers on their reports. Dispatcher then notifies the patrol supervisor to respond. EHPD reported that supervisors were notified in all instances of use of force by its officers.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Incident Reports reviewed as well as Supervisory Reports. EHPD reported that one officer was disciplined for not reporting a use of force (Drawing the firearm, but not using it).
SITE VISIT	<u>Questions/Next Steps:</u> The JCE shall continue to review all use of force reports in depth every site visit.

104. Use of Force Reports shall be maintained centrally by the IAO for tracking and analysis purposes, as required by this Agreement.	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training occurred in January and February 2014. IAO maintains a central electronic file for Use of Force reports.
Recommendations	None
Evidentiary Basis	IAO Naccarato report and interviews JCE verified that Use of Force Reports were maintained centrally.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to meet with IAO Naccarato every site visit to review/discuss all use of force incidents.

105. At least annually, EHPD shall analyze the year's force data, including force-related outcome data, to determine significant trends; identify and correct deficiencies revealed by this analysis; and document its findings in a public report.	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training occurred in January and February 2014 and public report issued in January 2015 covering calendar year 2014.
Recommendations	The JCE recommends that EHPD issue a training bulletin to remind supervisors of the requirements under EHPD's own policies and Paragraphs 105 through 109 (Supervisory Reviews) of the Settlement Agreement. The JCE found some deficiencies in supervisory review reports and notified EHPD.
Evidentiary Basis	Use of Force Incident Reports since policy in effect. The first EHPD 2014 Use of Force Annual Report dated January 20, 2015. No significant trends or deficiencies in the force data were detected during this period.

SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all use of force reports in depth every site visit.
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## F. Force Reviews by Supervisors

106. Absent exceptional circumstances, the direct supervisor of any officer using force, upon notification of a use of force or allegation of excessive force, shall respond to the scene of the use of force. If a supervisor is unable to respond to the scene, the supervisor shall document in the case file the exigent circumstances preventing his or her presence. The direct supervisor of any officer using force shall review all uses of force except those incidents involving a serious use of force, a use of force that appears potentially unjustified or criminal, a use of force by EHPD personnel of a rank higher than sergeant, or a use of force reassigned to the IAO by the Chief of Police or designee or the IAO. No supervisor who was involved in the incident, including by participating in or ordering the force being investigated, shall be responsible for the investigation of the incident.	
Compliance Rating	Substantial Compliance
Discussion	Review of all Use of Force reports by JCE revealed that a supervisor was notified and responded as required.
Recommendations	The JCE found some deficiencies, such as lack of specificity and the use of conclusory language, in supervisory review reports and notified EHPD. The JCE recommends that EHPD issue a training bulletin to remind supervisors of the requirements under EHPD's own policies and Paragraphs 105 through 109 (Supervisory Reviews) of the Settlement Agreement.
Evidentiary Basis	Policy 407.2 Review of Supervisor Reports. Review of all Use of Force Incidents.
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents.

107. The reviewing supervisor shall: <ol style="list-style-type: none"> <li>respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention from an appropriate medical provider;</li> <li>notify the IAO immediately of the use of force and obtain a use of force tracking number;</li> <li>identify and collect all relevant evidence and shall evaluate that evidence to determine whether the use of force: (i) was consistent with EHPD policy and/or (ii) raises any policy, training, tactical or equipment concerns;</li> <li>ensure collection of all evidence to establish material facts related to the use of force, including audio and video recordings, and photographs and other documentation of injuries or the absence of injuries;</li> <li>ensure the canvass for and interview of civilian witnesses. In addition, civilian witnesses should be encouraged to provide and sign a written report in their own words;</li> </ol>	
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f) ensure that all officer witnesses provide a statement regarding the incident. Officers involved in a use of force incident shall be separated until they are interviewed. Group interviews shall be prohibited. Supervisors shall ensure that all use of force reports identify all officers who were involved in the incident or were on the scene when it occurred. Supervisors shall not ask officers or other witnesses leading questions that improperly suggest justifications for the officers' conduct, when such questions are contrary to appropriate law enforcement techniques. Reviewing supervisors shall record all interviews with subjects and civilian witnesses and all follow-up interviews with officers;

g) review all Use of Force Reports and ensure that all reports include the information required by this Agreement and EHPD policy; and

h) consider all relevant evidence, including circumstantial, direct, and physical evidence, and make credibility determinations, if feasible. Supervisors will make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force claimed by the officer and the subject's injuries. EHPD will train all of its supervisors on the factors to consider when evaluating credibility. Where a reasonable and trained supervisor would determine that there may have been misconduct, the supervisor shall immediately notify the IAO to respond to the scene.

Compliance Rating	Substantial Compliance
Discussion	A review of all Use of Force reports revealed that proper investigative procedures were followed by supervisors and IAO. No misconduct was reported to the JCE, only one officer failed to report drawing his firearm and has been disciplined by EHPD.
Recommendations	The JCE found some deficiencies in supervisory review report writing and notified EHPD. The JCE recommends that EHPD issue a training bulletin to remind supervisors of the requirements under EHPD's own policies and Paragraphs 105 through 109 (Supervisory Reviews) of the Settlement Agreement.
Evidentiary Basis	Policy 407.2 Use of Force Reports.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents.

108. Each supervisor shall provide a written report to the shift commander by the end of the shift documenting the supervisor's preliminary determination of the appropriateness of the use of force, including whether the force was reasonable and within policy; whether the injuries appear proportionate to the use of force described; and summaries of subject, witness, and officer statements.

Compliance Rating	Substantial Compliance
Discussion	End of shift interpreted as end of tour of duty. Supervisors shall provide written report to shift commander before they go home.
Recommendations	The JCE found some deficiencies in supervisory review report writing and notified EHPD. The JCE recommends that EHPD issue a training bulletin to

	remind supervisors of the requirements under EHPD's own policies and Paragraphs 105 through 109 (Supervisory Reviews) of the Settlement Agreement.
Evidentiary Basis	Policy 407.2 Use of Force Reports reviewed by JCE showed that shift commanders were properly notified.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force reports.

109. Each supervisor shall complete and document a use of force supervisory review using a Supervisor's Force Review Report, within 72 hours of learning of the use of force. This Report shall include:

- a) the supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the supervisor's independent review of the facts and circumstances of the incident;
- b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
- c) the names of all other EHPD employees witnessing the use of force;
- d) the reviewing supervisor's evaluation of the basis for the use of force, including a determination of whether the officer's actions appear to be within EHPD policy and consistent with state and federal law; whether there is any evidence of criminal conduct by the officer; and an assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options; and
- e) documentation of any non-disciplinary corrective action taken.

Compliance Rating	Substantial Compliance
Discussion	Proper reporting procedures were followed by supervisors in cases of Use of Force. Only one use of force review report was not submitted in a timely manner. Although this report was for a minor incident, the JCE made EHPD aware of this oversight.
Recommendations	Due to some minor deficiencies in report writing, the JCE recommended that EHPD issue a training bulletin to remind supervisors of the requirements under EHPD's own policies and Paragraphs 105 through 109 (Supervisory Reviews) of the Settlement Agreement.
Evidentiary Basis	Policy 407.2 Use of Force Supervisory Reports reviewed.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents, including supervisory reports

110. Upon completion of the Supervisor's Force Review Report, the investigating supervisor shall forward the report to the patrol commander, who shall review the report to ensure that it is complete and that the findings are supported by a preponderance of the evidence. The patrol commander shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.

Compliance Rating	Substantial Compliance
Discussion	Patrol Commanders reviewed all use of force reports. There has been no need for additional investigation.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports.
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents.

111. Where the findings of the Supervisory Force Review Report are not supported by a preponderance of the evidence, the patrol commander shall modify the findings after consultation with the reviewing supervisor, and document the reasons for this modification, including the specific evidence or analysis supporting the modification. The patrol commander shall counsel the reviewing supervisor regarding the modification and of any investigative deficiencies that led to it, and order corrective action where appropriate. The patrol commander shall be held accountable for the accuracy and completeness of Use of Force Supervisory Review Reports completed by supervisors under the command of the patrol commander.

Compliance Rating	Substantial Compliance
Discussion	There have been no occurrences
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports and supervisors review reports.
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents and supervisory reviews.

112. Where a reviewing supervisor repeatedly conducts deficient investigations, the supervisor shall receive the appropriate corrective action, including training, demotion, and/or removal from a supervisory position.

Compliance Rating	Substantial Compliance
Discussion	There have been no occurrences of repeated deficiencies by any one specific supervisor to the knowledge of the JCE.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports.



SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents.
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113. Whenever a reviewing supervisor or patrol commander finds evidence of apparent criminal conduct by an officer, he or she shall suspend the investigation immediately and notify the Chief of Police, the IAO, the State Attorney's Office, and the State Police. The IAO shall immediately notify the FBI and USAO, where appropriate.	
Compliance Rating	Substantial Compliance
Discussion	There have been no occurrences.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents.

114. When the patrol commander finds that the supervisor force review is complete and the findings are supported by the evidence, the force review file shall be forwarded to the Chief of Police and the IAO. The Chief of Police and the IAO shall review the force review to ensure that it is complete and that the findings are supported by the evidence. At the discretion of the Chief of Police, his designee, or the IAO, a use of force review may be assigned or re-assigned to another supervisor, whether within or outside of the shift in which the incident occurred, or may be returned to the patrol commander for further review or analysis. This assignment or re-assignment shall be explained in writing.	
Compliance Rating	Substantial Compliance
Discussion	There have been no occurrences.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports reviewed revealed that all were properly forwarded to the Chief and the IAO. No review reports needed to be re-assigned.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents.

115. Where, after a force review, a use of force is found to be out of policy, the Chief of Police shall direct and ensure appropriate discipline, including forwarding the outcome of the force review to the Board of Police Commissioners for disciplinary action. Where the use of force indicates policy, training, tactical, or equipment concerns, the Chief of Police shall ensure also that necessary training is delivered and that policy, tactical or equipment concerns are resolved.	
Compliance Rating	Substantial Compliance
Discussion	There have been no occurrences reported to the JCE.
Recommendations	Review training needs related to any use of force report writing may be



	required.
Evidentiary Basis	Policy 407.2 Use of Force Reports reviewed by JCE revealed the need for further training of report writing by supervisors. EHPD notified.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents and any new training associated with cases.

### **G. Force Investigations by Internal Affairs**

116. EHPD shall establish a single, uniform reporting and investigation/review system for all serious uses of force, including critical firearm discharges.	
Compliance Rating	Substantial Compliance
Discussion	System already established
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports and supervisory review reports.
SITE VISIT	Questions/Next Steps: Ongoing review of all use of force incidents.

117. EHPD shall ensure that all serious uses of force are investigated fully and fairly by individuals with appropriate expertise, independence and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved; that policy, training, equipment, or tactical deficiencies related to the use of force are identified and corrected; and that investigations of sufficient quality to ensure that officers are held accountable as necessary. To achieve this outcome, EHPD shall:

- a) Provide for an IAO to conduct administrative investigations of serious uses of force, uses of force by EHPD personnel of a rank higher than sergeant, or uses of force reassigned to the IAO by the Chief of Police or designee or the IAO.
- b) Within 90 days from the Effective Date, EHPD shall recruit, assign, and train a sufficient number of IAOs to fulfill the requirements of this Agreement. Prior to performing IAO duties, IAOs shall receive a minimum of 24 hours of force investigation training; call out and investigative protocols; and proper roles of on-scene counterparts such as crime scene technicians, State Attorney's Office, State Police EHPD detectives, and Joint Compliance Expert; and investigative equipment and techniques. IAOs shall also receive annual in-service training on proper force investigations.
- c) EHPD shall create a force investigation procedural manual to ensure consistency with this Agreement. The procedural manual shall include:

investigations;  Police, including	i.	definitions of all relevant terms;
	ii.	clear statements of the mission and authority of the IAO regarding force
	iii.	procedures on report writing;
	iv.	procedures for collecting and processing evidence;
	v.	procedures to ensure appropriate separation of criminal and administrative investigations in the event of compelled subject officer statements;
	vi.	procedures for consulting with the State Attorney's Office and the State
		ensuring that administrative investigations are not unnecessarily delayed while a criminal investigation is pending;
	vii.	scene management procedures; and
	viii.	management procedures.
Compliance Rating	Substantial Compliance	
Discussion	None	
Recommendations	None	
Evidentiary Basis	Policy 407.2 Use of Force Reports reviewed. All supervisors are trained to investigate IA cases by EHPD. IAO investigates all serious uses of force. In cases of high-ranking officers being investigated, Police Chief Larrabee has a system in place to assign a trained officer of higher rank to investigate. There were no serious uses of force this reporting period.	
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents.	

118. Where appropriate to ensure the fact and appearance of impartiality, investigations of serious uses of force or force indicating apparent criminal conduct by an officer shall be referred for investigation to an independent and highly competent entity outside EHPD.		
Compliance Rating	Substantial Compliance	
Discussion	There have been no referrals to the FBI for the reporting period.	
Recommendations	None	
Evidentiary Basis	Policy 407.2 Use of Force Reports. EHPD has built a relationship with the FBI and the State's Attorney Office	
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents.	

119. In every incident involving a serious use of force, or any use of force indicating apparent criminal conduct by an officer, the supervisor shall immediately notify the IAO and obtain a use of force tracking number.	
Compliance Rating	Substantial Compliance
Discussion	There have been no occurrences during this reporting period.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports. Supervisory Reports.
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents.

120. The IAO shall respond to the scene of every incident involving a serious use of force, any use of force indicating apparent criminal conduct by an officer, any use of force by an officer of a rank higher than sergeant, or as ordered by the Chief of Police or designee.	
Compliance Rating	Substantial Compliance
Discussion	There were no cases of serious use of force reported this period.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports. Interview with IAO and review of IAO reports.
SITE VISIT	<u>Questions/Next Steps:</u> Ongoing review of all use of force incidents.

121. The IAO shall immediately notify and consult with the State Attorney's Office and State Police regarding any use of force incident indicating apparent criminal conduct by EHPD personnel, or any use of force in which an officer discharged his firearm, or where an individual has died while in or proximate to the custody of EHPD. The IAO shall immediately notify and consult with the FBI and the USAO regarding any use of force incident indicating apparent criminal conduct by EHPD personnel that violates federal law.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD has established a strong and productive relationship with the FBI. There have been no cases requiring notification to the State Attorney's Office or FBI.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports. Interviews with IAO Naccarato and review of IAO reports.
SITE VISIT	<u>Questions/Next Steps:</u> Review all use of force Incidents.

122. If the case may proceed criminally, or where EHPD requests a criminal prosecution, any compelled interview of the subject officers shall be delayed, consistent with Paragraphs 148 and 150 of this Agreement. No other part of the investigation shall be held in abeyance unless specifically authorized by the Chief of Police in consultation with the agency conducting the criminal investigation.	
Compliance Rating	Substantial Compliance
Discussion	Unaware of any relevant incident to date.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports.
SITE VISIT	<u>Questions/Next Steps</u> : The JCE will continue to monitor Use of Force, Supervisory and IAO reports

<p>123. The IAO shall complete its administrative use of force investigation within 60 days from the use of force. At the conclusion of each use of force investigation, the IAO shall prepare a report on the investigation. The report shall include:</p> <ul style="list-style-type: none"> <li>a) a narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the IAO's independent review of the facts and circumstances of the incident;</li> <li>b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;</li> <li>c) the names of all other EHPD employees witnessing the use of force;</li> <li>d) the IAO's evaluation of the basis for the use of force, including a determination of whether the officer's actions appear to be within EHPD policy and consistent with state and federal law; whether there is any evidence of criminal conduct by the officer; and an assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options;</li> <li>e) if a weapon was used, documentation that the officer's certification and training for the weapon are current; and</li> <li>f) documentation of any disciplinary and/or non-disciplinary corrective action recommended.</li> </ul>	
Compliance Rating	Substantial Compliance
Discussion	IAO has complied with this paragraph in the past. However there have been no cases investigated by the IAO this period.
Recommendations	IAO to contact JCE if a case comes up.

Evidentiary Basis	Policy 407.2 Use of Force Reports. Interviews with IAO Naccarato and review of IAO reports.
SITE VISIT	Questions/Next Steps: The JCE will continue to monitor Use of Force, Supervisory and IAO reports

#### H. Review by Chief of Police

<p>124. The Chief of Police shall review all force reviews by supervisors and force investigations by the IAO. The Chief of Police shall:</p> <ul style="list-style-type: none"> <li>a) review each force review and investigation within 30 days of receiving the force review/investigation report to ensure that it is complete and that the findings are supported by a preponderance of the evidence;</li> <li>b) order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings. Where the findings are not supported by a preponderance of the evidence, the Chief of Police or his/her designee shall modify the findings and document the reasons for this modification, including the specific evidence or analysis supporting the modification;</li> <li>c) determine whether the force violated EHPD policy. If the force violated EHPD policy, the Chief of Police or his/her designee shall take appropriate disciplinary action, including referring the review or investigation report to the Board of Police Commissioners for appropriate disciplinary action;</li> <li>d) determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate commander or supervisor within EHPD to ensure they are resolved;</li> <li>e) direct shift supervisors to take and document non-disciplinary corrective action to enable or encourage an officer to improve his or her performance; and</li> <li>f) document his or her findings within 45 days of receiving the force review or investigation.</li> </ul>	
Compliance Rating	Substantial Compliance
Discussion	Chief Larrabee reviewed Use of Force reports and reported no issues with same.
Recommendations	None
Evidentiary Basis	Policy 407.2 Use of Force Reports. Continued interviews with Chief Larrabee and IAO.
SITE VISIT	Questions/Next Steps: Ongoing review continued.

#### J. Use of Force Training

125. EHPD shall provide all EHPD officers with 4 – 8 hours of use of force training within 365 days of the Effective Date, and 4 – 8 hours of use of force training on at least an annual basis
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thereafter, including information on developments in applicable law and EHPD policy. EHPD shall coordinate and review all use of force policy and training to ensure quality, consistency, and compliance with the Constitution, Connecticut law, this Agreement and EHPD policy. EHPD's use of force training shall include the following topics:

- a) EHPD's use of force model, as described in this Agreement;
- b) proper use of force decision-making;
- c) use of force reporting requirements;
- d) the Fourth Amendment and related law;
- e) role-playing scenarios and interactive exercises that illustrate proper use of force decision-making, including training officers on the importance and impact of ethical decision making and peer intervention;
- f) the proper deployment and use of all intermediate weapons or technologies, including canines and ECWs;
- g) de-escalation techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation, even when the use of force would be legally justified;
- h) threat assessment;
- i) basic crisis intervention and interacting with people with mental illnesses, including instruction by mental health practitioners and an emphasis on de-escalation strategies;
- j) factors to consider in initiating or continuing a pursuit;
- k) appropriate training on conflict management; and
- l) supervisors of all ranks, as part of their initial and annual in-service supervisory training, shall receive additional training in conducting use of force reviews and investigations; strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force; and supporting officers who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.

Compliance Rating	Substantial Compliance
Discussion	Class Roster and schedules of training on ECW (Tasers), firearms, and other weapons have been provided to the JCE for the current year, 2015. Most officers have attended training on use of force as of June 30, 2015.
Recommendations	Ongoing review. The JCE recommends that EHPD issue a training bulletin to remind supervisors of the requirements regarding report writing under EHPD's own policies and Paragraphs 105 through 109 (Supervisory Reviews) of the Settlement Agreement.
Evidentiary Basis	Use of Force Reports. Training Rosters and curricula reviewed. Class rosters and schedules of training on ECW (Tasers), firearms, and other weapons have been provided to the JCE for the current year, 2015. Most officers have attended training on use of force as of June 30, 2015. The JCE audited a class on use of force in June 2015.
SITE VISIT	Questions/Next Steps: JCE to monitor yearly in-service training completed and attend training throughout 2015. JCE audited a class on use of force in June, 2015 taught by

	Mr. Eliot Spector.
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126. Included in the use of force training set out above. EHPD shall require firearms training for all officers within 365 days of the Effective Date and at least twice yearly thereafter. EHPD firearms training shall:

- a) require officers to complete and satisfactorily pass firearm training and qualify for regulation and other service firearms on a semi-annual basis;
- b) require cadets, officers in probationary periods, and officers who return from unarmed status to complete and satisfactorily pass firearm training and qualify for regulation and other service firearms before such personnel are permitted to carry and use firearms;
- c) incorporate professional night training, stress training (e.g., training in using a firearm after undergoing physical exertion) and proper use of force decision-making training, including continuous threat assessment techniques, in the annual in-service training program; and
- d) ensure that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times.

Compliance Rating	Substantial Compliance
Discussion	Class roster and schedules of firearm training for 2014 and 2015 have been provided to the JCE by EHPD.
Recommendations	Ongoing review. JCE to monitor in-service firearms training.
Evidentiary Basis	Use of Force Reports. Training Rosters, attendance sheets, and curricula reviewed by JCE. As per EHPD, all officers have attended firearms training and retraining during in-service training.
SITE VISIT	<u>Questions/Next Steps:</u> JCE to monitor yearly in-service training.

### VIII. CIVILIAN COMPLAINTS, INTERNAL INVESTIGATIONS, AND DISCIPLINE

127. EHPD and the Town shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all investigative findings are supported by a preponderance of the evidence and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. To achieve these outcomes, EHPD and the Town shall implement the requirements below.

Compliance Rating	Substantial Compliance
Discussion	This is an introductory paragraph outlining the goals and objectives of the use of force section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces.
Recommendations	Continue to monitor.
Evidentiary Basis	IA Office files and reports.



Discussion	Fair disciplinary system is in place (Disciplinary Matrix).
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### A. Reporting Misconduct

128. EHPD shall require that all officers and employees report apparent misconduct by another EHPD officer or employee to a supervisor or directly to the IAO for review and investigation. Where apparent misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to the IAO. Failure to report or document apparent misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment. The default discipline for a failure to report criminal behavior shall be termination.	
Compliance Rating	Substantial Compliance
Discussion	The JCE is not aware of any reports of apparent misconduct by officers or employees of the EHPD reported by other officers or employees of the EHPD.
Recommendations	Continue talk with IAO Naccarato and Chief Larrabee.
Evidentiary Basis	Use of Force Reports. IAO Reports. Supervisory Review Reports. Citizen Complaints. Interviews with Chief Larrabee and IAO Naccarato. Policies 201.3, 208.2, 407.2
SITE VISIT	Questions/Next Steps: JCE to monitor reports.

### B. Complaint Information

129. Within 180 days of the Effective Date, the Town and EHPD shall develop and implement a program to ensure broad knowledge throughout the East Haven community about how to make misconduct complaints, and the availability of effective mechanisms for making misconduct complaints. The requirements below shall be incorporated into this program.	
Compliance Rating	Substantial Compliance
Discussion	The Civilian Complaint System and the Early Identification System (EIS) has been fully developed and implemented, and is publicizing the complaint process in the East Haven community, on the EHPD website and via a link from the Town website, at Town Hall, at EHPD headquarters and at the Hagaman Memorial Library. Officers are required to carry civilian complaint forms in EHPD vehicles.
Recommendations	None
Evidentiary Basis	Complaint System on Website and EIS reviewed. Forms and information available at Town Hall, at EHPD headquarters and at the Hagaman Memorial Library. JCE has developed a checklist of data and reports that are reviewed at each



	site visit.
SITE VISIT	<u>Questions/Next Steps:</u> JCE will continue to review all complaints and review EIS on every site visit.

130. The Town and EHPD shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including EHPD headquarters, EHPD and Town websites, Town Hall, and the public library. Individuals shall be able to submit misconduct complaints through the EHPD and City websites and these websites shall include complaint forms and information regarding how to file misconduct complaints.

Compliance Rating	Substantial Compliance
Discussion	JCE has checked Department's website, Library, Town Hall and found the forms and Policy Manual readily available. JCE also noticed informational material translated in Spanish at EHPD front desk.
Recommendations	The JCE will continue to check to ensure information and forms are easily accessible to the public in a neutral location.
Evidentiary Basis	Complaint system on website. The civilian complaint form is also available at the EHPD, at the library, and at East Haven Town Hall. JCE will continue to insure that forms are available and the process is fair and open.
SITE VISIT	<u>Questions/Next Steps:</u> Monitor and make sure forms continue to be readily available to the public.

131. At the locations listed above, EHPD shall post and maintain a permanent placard describing the external complaint process that includes relevant contact information, such as telephone numbers, email addresses, and Internet sites. EHPD will require all officers to carry complaint forms, containing basic complaint information, in their department vehicles at all times. Officers shall also provide complaint forms and the officer's name and badge number upon request. If an individual objects to an officer's conduct, that officer will inform the individual of his or her right to make a complaint and shall provide the complaint form, informational brochure, and the officer's name and badge number. If the individual indicates that he or she would like to make a complaint, the officer shall immediately inform his or her supervisor.

Compliance Rating	Substantial Compliance
Discussion	The JCE will continue to monitor that complaint forms and related materials are available at locations and via officers.
Recommendations	The JCE will continue to check compliance regarding these materials with specific information at specific locations.
Evidentiary Basis	Visual inspection in the EHPD lobby. Ride-alongs and interviews with officers and sergeants.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to monitor

132. Complaint forms and related informational materials shall be made available and posted in English and Spanish.

Compliance Rating	Substantial Compliance
Discussion	The JCE will continue to monitor that complaint forms and related materials are available and posted in English and Spanish.
Recommendations	The JCE will continue to check compliance in East Haven.
Evidentiary Basis	Visual inspection of materials and brochures by JCE confirmed that these forms are available in Spanish and English.
SITE VISIT	Questions/Next Steps: Continue to monitor updates/changes to written materials.

### C. Complaint Intake, Classification, and Tracking

133. Within 180 days of the Effective Date, EHPD shall revise policy and train all officers and supervisors to ensure that all officers properly handle complaint intake, including how to properly provide complaint materials and information; and the consequences for failing to take complaints; and strategies for turning complaints into positive police-civilian interactions.	
Compliance Rating	Substantial Compliance
Discussion	There were four civilian complaints made during the January 1, 2015 through June 30, 2015 reporting period. In-service training has been provided to all officers on the process of complaint intake.
Recommendations	The EHPD must underscore the importance of this paragraph and management should continually closely monitor the complaint process.
Evidentiary Basis	Policy 208.2 and training. Information from Chief, and Deputy Chief Review of all citizen complaints. All officers carry complaint forms and are instructed to hand to civilians wishing to file a complaint.
SITE VISIT	Questions/Next Steps: The JCE will continue to review all citizen complaints on-site and off-site and inspect police cars and other town sites for compliance.

134. The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint, shall be grounds for discipline, up to and including termination.	
Compliance Rating	Substantial Compliance
Discussion	There were four civilian complaints made during the January 1, 2015 through June 30, 2015 reporting period. No evidence found of officers discouraging the filing of complaints or denying forms to the public.
Recommendations	The EHPD must underscore the importance of this paragraph and management should continually closely monitor the complaints process.
Evidentiary Basis	Policy 208.2 and training. Review of all citizen complaints. Information from Chief Larrabee and IAO Naccarato that there have been no such cases this

	period.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all citizen complaints on-site and off-site.

135. EHPD shall accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail. Any LEP individual who wishes to file a complaint about an EHPD officer or employee shall be provided with a complaint form in Spanish or, for less common languages in East Haven, EHPD will make arrangements to ensure that the LEP person is able to make a complaint. Such complaints will be investigated in accordance with this Agreement.

Compliance Rating	Substantial Compliance
Discussion	The JCE will continue to carefully track compliance on this paragraph. The JCE is not aware of any anonymous, third party, or LEP complaints.
Recommendations	None
Evidentiary Basis	Policy 208.2 and training. Interview and information from Lt. Emerman, Language Access Coordinator and Community Liaison Officer including 30-month report. Review of all citizen complaints.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review all citizen complaints on-site and off-site.

136. All officers and employees who receive a misconduct complaint in the field shall immediately inform a supervisor of the misconduct complaint so that the supervisor can ensure proper intake of the complaint. All misconduct complaints received outside of EHPD headquarters shall be forwarded to the IAO before the end of the shift in which it was received.

Compliance Rating	Substantial Compliance
Discussion	IA Officer and EHPD reported to the JCE that all complaints recorded by EHPD were properly routed and procedures were followed. The JCE will continue to track compliance on this paragraph. Policy manual training re this paragraph has been completed.
Recommendations	None
Evidentiary Basis	Policy 208.2 and training, IAO files and reports
SITE VISIT	<u>Questions/Next Steps:</u> None

137. EHPD shall ensure that allegations of officer misconduct made during criminal prosecutions or civil lawsuits are identified and investigated as misconduct complaints.

Compliance Rating	Substantial Compliance
Discussion	Ongoing compliance check. There have been no occurrences.

Recommendations	Track all lawsuits against EHPD personnel; Continue to monitor EIS
Evidentiary Basis	Policy 208.2 Information from IAO Naccarato. EIS review.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to meet with IAO Naccarato and review EIS.

138. Within three business days of the receipt of a misconduct complaint, the IAO shall determine whether the complaint will be assigned to the subject officer(s)' supervisor(s) or retained by the IAO for an administrative investigation. The IAO shall also determine whether the misconduct complaint warrants a referral to the State Attorney's Office and/or USAO for a criminal investigation. EHPD shall develop and implement a complaint classification protocol that is allegation-based rather than anticipated outcome-based to guide the IAO in determining where a complaint should be assigned. This complaint classification protocol shall ensure that the IAO investigates allegations including:

- a) serious misconduct, including but not limited to: criminal misconduct; unreasonable use of force;
- b) discriminatory policing; false arrest or planting evidence; untruthfulness/false statements; unlawful search; retaliation; sexual misconduct; domestic violence; and theft;
- c) misconduct implicating the conduct of the supervisory or command leadership of the subject officer; and
- d) any other violations as determined by the Chief of Police.

Compliance Rating	Substantial Compliance
Discussion	The JCE will continue ongoing tracking of all IAO reports and engage in regular communication with EHPD command staff. The IA Officer retained and investigated one complaint alleging false arrest from January 1, 2015 through June 30, 2015. The officers were exonerated. Three other complaints alleging minor violations were investigated by officers' immediate supervisors.
Recommendations	Continue to monitor EIS
Evidentiary Basis	Policy 208.2 Information from IAO Naccarato. IAO reports.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to meet with IAO Naccarato and review EIS and complaint processes/procedures.

139. The Chief of Police shall not be authorized to personally conduct an investigation of officer misconduct or violation of policy, nor prevent the conduct of such an investigation. A misconduct

complaint investigation may not be conducted by any officer who used force during the incident; whose conduct led to the injury of a person; who authorized the conduct that led to the reported incident or complaint; or who was on the scene of the incident leading to the allegation of misconduct.	
Compliance Rating	Substantial Compliance
Discussion	No such cases have occurred this period. The JCE will continue to track and review all IAO reports.
Recommendations	None
Evidentiary Basis	Policy 208.2 All IAO reports reviewed.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to review all IAO reports and meet with IAO Naccarato.

140. EHPD shall track, as a separate category of misconduct complaints, allegations of discriminatory policing, along with characteristics of the complainants. EHPD shall ensure that complaints of discriminatory policing are captured and tracked appropriately, even if the complainant does not specifically label the misconduct as such.	
Compliance Rating	Substantial Compliance
Discussion	Working with EHPD, the JCE will continue to track compliance on this paragraph. There have been no occurrences.
Recommendations	None
Evidentiary Basis	Policy 208.2 EIS Report and on-site system review.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to review all IAO reports and meet with IAO Naccarato. The JCE review of all complaints on every quarterly site visit.

141. Within 180 days of the Effective date, the IAO shall develop and implement a centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the IAO shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the complaint is made. Where a misconduct complaint is received in the field, a supervisor shall obtain the unique numerical identifier and provide this identifier to the complainant.	
Compliance Rating	Substantial Compliance
Discussion	In compliance with this Settlement Agreement paragraph, the EHPD Internal Affairs Officer (IAO) has developed a centralized numbering and tracking system that will allow the prompt assignment of a unique numerical identifier to each civilian complaint and insure that complainants are informed of this number at the time the complaint is made. The JCE will continue to track compliance on this paragraph.
Recommendations	The JCE will continue to monitor compliance to ensure that the unique

	numerical identifier is used for all complaints.
Evidentiary Basis	EHPD compliance report; Policy 208.2 Review of all IAO complaints and numbering system. Meetings with IAO Naccarato.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to meet with IAO Naccarato and review all complaints and numbering system.

142. EHPD's centralized numbering and tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used to determine the status of complaints and to confirm that a complaint was received, as well as for periodic assessment of compliance with EHPD policies and procedures and this Agreement, including requirements on the timeliness of administrative investigations.

Compliance Rating	Substantial Compliance
Discussion	Ongoing review of IAO reports will continue.
Recommendations	The JCE will continue to monitor compliance to ensure that the unique numerical identifier is used for all complaints.
Evidentiary Basis	EHPD compliance report; Policy 208.2 Review of all IAO complaints. Review of IAO numbering system. Meetings with IAO Naccarato.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to meet with IAO Naccarato and review all complaints and numbering system.

143. Where a supervisor receives a misconduct complaint in the field alleging that misconduct has just occurred, the supervisor shall gather all relevant information and evidence and provide this information and evidence to the IAO. This information includes the names and contact information for all complainants and witnesses, the names of all EHPD officers and employees on the scene at the time of the alleged misconduct, and any available physical evidence such as voluntarily provided video or audio recordings, or documentation of the existence of such recordings where the witness chooses not to provide the recording. The supervisor shall take photographs of apparent injuries or the absence thereof.

Compliance Rating	Substantial Compliance
Discussion	Ongoing review of all IAO reports.
Recommendations	Continue to track all IAO reports and supervisor reports.
Evidentiary Basis	Policy 208.2 IAO Files, IAO Reports and Supervisor Reports. The Chief informed the JCE that all EHPD supervisors are trained to investigate IA complaints.
SITE VISIT	<u>Questions/Next Steps:</u>

	The JCE continues to carefully track and review IAO reports and meet with IAO Naccarato.
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#### **D. Investigation of Complaints**

144. Investigations of officer misconduct shall be as thorough as necessary to reach reliable and complete findings. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant. All officers in a position to hear or see an incident, or any significant event before or after an incident, shall provide a written statement regarding their observations, even to state that they did not see or hear anything.	
Compliance Rating	Substantial Compliance
Discussion	All four complaints filed this period were properly investigated, including interviews with witnesses, where applicable, and officers.
Recommendations	Continue to track all IAO incident reports.
Evidentiary Basis	Policy 208.2 IAO Files and Reports. Meetings with IAO Naccarato. The Chief informed the JCE that all EHPD supervisors are trained to investigate IA complaints
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to carefully track and review IAO incident reports and meet with IAO Naccarato.

145. Where the alleged misconduct is particularly serious or information from an officer or other witness may be necessary to resolve an allegation, the investigator shall conduct an in-person interview of the officer or other witness. Each officer, witness, and complainant shall be interviewed separately. An EHPDAI not involved in the underlying complaint will be used when taking statements or conducting interviews of any LEP complainant or witness.	
Compliance Rating	Substantial Compliance
Discussion	Ongoing review of all IAO reports. There have been no occurrences.
Recommendations	Continue to track all IAO incident reports.
Evidentiary Basis	Policy 208.2 IAO Files and Reports. Meetings with IAO Naccarato. The Chief informed the JCE that all EHPD supervisors are trained to investigate IA complaints.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to carefully track and review IAO incident reports and meet with IAO Naccarato.

146. All officer and civilian witness statements should be documented in their entirety, including any statement that the witness saw or heard nothing. All interviews should be recorded. All	
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recordings shall be stored and maintained in a secure location within IAO.	
Compliance Rating	Substantial Compliance
Discussion	Review of all IA reports revealed they were properly documented, recorded when allowed and stored .
Recommendations	Continue to track all IAO incident reports.
Evidentiary Basis	Policy 208.2 IAO Files and Reports. Meetings with IAO Naccarato. The Chief informed the JCE that all EHPD supervisors are trained to investigate IA complaints
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to carefully track and review IAO incident reports and recordings and meet with IAO Naccarato.

147. EHPD shall require officers to cooperate with administrative investigations, including appearing for an interview when requested by an EHPD investigator and providing all requested documents and evidence. Supervisors shall be notified when an officer under their supervision is summoned as part of an administrative investigation and shall facilitate the officer's appearance, absent extraordinary and documented circumstances.	
Compliance Rating	Substantial Compliance
Discussion	Ongoing review of all IAO reports.
Recommendations	Continue to track all IAO incident reports.
Evidentiary Basis	Policy 208.2 IAO Files and Reports. Meetings with IAO Naccarato who indicated that there have been no such cases this period.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to carefully track and review IAO incident reports and meet with IAO Naccarato.

148. The subject officer shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer, until consultation with the criminal investigative agency (e.g. State Attorney's Office or USAO and approval by the Chief of Police. EHPD, the Town, and the State Attorney's Office shall develop and implement protocols to ensure that the criminal and administrative investigations are kept appropriately separate after a subject officer has provided a compelled statement.	
Compliance Rating	Substantial Compliance
Discussion	This is law and all supervisors are aware of it.
Recommendations	None
Evidentiary Basis	Policy 208.2



	Reviewed all IAO reports/cases.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to review files and cases to ensure law is being closely followed.

149. Nothing in this Agreement or EHPD policy shall hamper an officer's obligation to provide a public safety statement regarding a work related incident or activity. EHPD shall make clear that all officer statements in incident reports, arrest reports, use of force reports and similar documents, and statements made in interviews such as those conducted in conjunction with EHPD's routine use of force review and investigation process, are part of each officer's routine professional duties and are not compelled statements. Where an officer believes that providing a verbal or written statement will be self-incriminating the officer shall affirmatively state this and shall not be compelled to provide a statement without prior consultation with the criminal investigative agency (e.g. State Attorney's Office or USAO), and approval by the Chief of Police.

Compliance Rating	Substantial Compliance
Discussion	The JCE will track compliance; If issue arises, JCE will investigate further.
Recommendations	None
Evidentiary Basis	Policy 208.2 All IAO reports/cases. The Chief informed the JCE that all EHPD supervisors are trained to investigate IA complaints
SITE VISIT	<u>Questions/Next Steps:</u> JCE will closely monitor.

150. If at any time during complaint intake or investigation the investigator determines that there may have been criminal conduct on the part of any officer or employee, the investigator shall immediately notify the Chief of Police and the Joint Compliance Expert, and shall consult with the State Attorney's Office, USAO and the local office of the FBI regarding the initiation of a criminal investigation, as appropriate. Where an allegation is investigated criminally, the IAO shall continue with the administrative investigation of the allegation, except that it may delay or decline to conduct an interview of the subject officer(s) or other witnesses until completion of the criminal investigation unless, after consultation with the investigating agency and the Chief of Police, such interviews are deemed appropriate

Compliance Rating	Substantial Compliance
Discussion	The IAO reported no incidents of suspected criminal conduct by officers to the JCE. The JCE will track compliance on this paragraph.
Recommendations	None
Evidentiary Basis	Example of compliance following January 2013 New Haven incident; Policy 208.2 IAO reports.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review IAO files.

151. In each investigation, EHPD shall consider all relevant evidence including circumstantial, direct and physical evidence, and make credibility determinations based upon that evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will EHPD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. During its investigation, EHPD may take into account the criminal history of a complainant that involves a crime of dishonesty. EHPD may also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, Internal Affairs investigation, or other investigation. EHPD shall make efforts to resolve material inconsistencies between witness statements.

Compliance Rating	Substantial Compliance
Discussion	EHPD trains all its supervisors in the investigation of IA complaints and the Chief can assign anyone of them to investigate cases as needed.
Recommendations	None
Evidentiary Basis	Policy 208.2 All IAO reports were reviewed by the JCE and all appeared to be in compliance.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review IAO case files and meet with IAO.

152. The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

- a) "Unfounded," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did not occur or did not involve the subject officer;
- b) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;
- c) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred; or
- d) "Exonerated," where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate EHPD policies, procedures, or training.

Compliance Rating	Substantial Compliance
Discussion	There were four complaints filed. All were properly investigated and discipline imposed, where applicable, using the categories described in this paragraph.
Recommendations	None
Evidentiary Basis	Policy 208.2 IAO reports submitted to JCE.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to conduct an ongoing careful review of all IAO cases/files.

153. In addition to determining whether the officer committed the alleged misconduct, administrative investigations shall assess and document whether: (a) the police action was in compliance with training and legal standards; (b) the use of different tactics should or could have been employed to achieve a potentially better outcome; (c) the incident indicates a need for additional training, counseling or other non-disciplinary corrective measures; and (d) the incident suggests that EHPD should revise its policies, strategies, tactics, or training. This information shall be shared with the relevant commander(s) who shall document the commander's disagreement or agreement with these findings; refer any recommendations to the appropriate individual to implement the recommended change; document the implementation of these recommendations; and return the documentation to the IAO.

Compliance Rating	Substantial Compliance
Discussion	All four complaints filed this period complied with the requirements of this section. Two officers were counseled (Later one of these officers was terminated because he did not satisfactorily complete field training)
Recommendations	None
Evidentiary Basis	Policy 208.2 IAO files and documented implementation of recommendations by IAO. JCE reviewed all four complaints filed this period and found them to be in compliance
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to conduct an ongoing careful review of all IAO cases/files.

154. EHPD shall respond to each complaint within 48 hours, excluding weekends and holidays, and shall resolve each stage of a complaint investigation in a reasonable time frame. EHPD shall complete all investigations of civilian complaints within 60 days of receiving the complaint. Upon a showing of good cause, officers may receive no more than two extensions of up to 30 days each. Requests for extensions must be in writing and approved by the Chief.

Compliance Rating	Substantial Compliance
Discussion	Continual review of all complaints. One hundred percent (100%) have been resolved within 60 days.
Recommendations	Keep in close communication between quarterly site visits with IAO.
Evidentiary Basis	Policy 208.2 All Citizen Complaints. IAO Files indicate all complaints were addressed in a timely manner according to the Agreement.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to monitor

155. A misconduct investigation shall not be closed simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide additional information beyond the initial complaint, or because the complainant pled guilty or was found guilty of an offense.

Compliance	Substantial Compliance
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Rating	
Discussion	Ongoing careful review of all complaints and IAO investigations.
Recommendations	None
Evidentiary Basis	Policy 208.2. Meetings with IAO Naccarato. IAO Files and Review of all Citizen Complaints. IAO is complying with this requirement. For example, a complaint was made to EHPD but the complainant did not fill out a complaint form. The complaint was investigated nevertheless, and the officer received counseling from his immediate supervisor.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE continues to be in close communication with IAO on-site and off-site.

156. Each misconduct complainant will be kept informed periodically regarding the status of the investigation. The complainant will be notified of the outcome of the investigation, in writing, within ten business days of the completion of the investigation, including regarding whether any disciplinary or non-disciplinary action was taken.

Compliance Rating	Substantial Compliance
Discussion	Ongoing tracking.
Recommendations	None
Evidentiary Basis	Policy 208.2 and Review of all citizen complaints revealed compliance with this Paragraph.
SITE VISIT	<u>Questions/Next Steps:</u> None

#### **E. Discipline**

157. EHPD shall ensure that discipline for sustained allegations of misconduct is based on the nature of the allegation and defined, consistent, mitigating and aggravating factors, rather than the identity of the officer or his or her status within EHPD or the broader community. EHPD and the Town shall develop and implement procedures to ensure that discipline is fair and consistent.

Compliance Rating	Substantial Compliance
Discussion	Policy 209.1 Disciplinary Matrix was approved by the Parties as of December 31, 2014. Policy 209.2 – Disciplinary Matrix (revision) became effective July 1, 2015 and included some minor changes which were reviewed and approved by Parties in May 2015.
Recommendations	None
Evidentiary Basis	Policy 209.1/209.2 Review of all cases and reports involving discipline for sustained allegations

	of misconduct revealed EHPD followed proper procedures pertaining to the Disciplinary Matrix. Meetings with Chief and IAO.
SITE VISIT	<u>Questions/Next Steps:</u> None

158. EHPD, in consultation with the Board of Police Commissioners and the Town, shall create a disciplinary matrix that:

- a) establishes a presumptive range of discipline for each type of rule violation;
- b) increases the presumptive discipline based on both an officer's prior violations of the same or other rules;
- c) sets out defined mitigating or aggravating factors;
- d) requires that any departure from the presumptive range of discipline must be justified in writing;
- e) provides that EHPD shall not take only non-disciplinary corrective action in cases in which the disciplinary matrix calls for the imposition of discipline; and
- e) provides that EHPD shall consider whether non-disciplinary corrective action also is appropriate in a case where discipline has been imposed.

Compliance Rating	Substantial Compliance
Discussion	Policy 209.1 Disciplinary Matrix was been approved by the Parties as of December 31, 2014. Policy 209.2 – Disciplinary Matrix (revision) became effective July 1, 2015 and included some minor changes which were reviewed and approved by Parties in May 2015.
Recommendations	None
Evidentiary Basis	Policy 209.1/209.2
SITE VISIT	<u>Questions/Next Steps:</u> Review training roster after policy complete and approved.

159. EHPD, the Board of Police Commissioners, and the Town shall establish a unified system for reviewing sustained findings and assessing the appropriate level of discipline pursuant to EHPD's disciplinary matrix to facilitate consistency in the imposition of discipline. All disciplinary decisions shall be documented, including the rationale behind any decision to deviate from the level of discipline set out in the disciplinary matrix.

Compliance Rating	Substantial Compliance
Discussion	Policy 209.1 Disciplinary Matrix was been approved by the Parties as of December 31, 2014. Policy 209.2 – Disciplinary Matrix (revision) became effective July 1, 2015 and included some minor changes which were reviewed and approved by

	Parties in May 2015.
Recommendations	None
Evidentiary Basis	Policy 209.1/209.2 specifically states circumstances under which the Board or the Chief are authorized to discipline subjects, i.e.: The Board may suspend for periods exceeding ten days and demote and terminate; the Chief may suspend subjects only up to ten (10) days.
SITE VISIT	Questions/Next Steps: JCE to continue monitoring disciplinary issues.

160. EHPD and the Board of Police Commissioners shall develop and establish written policies and procedures to ensure that the Town Attorney provides close guidance to EHPD and the Board at the disciplinary stage to ensure that EHPD's and the Board's disciplinary decisions are as fair and legally defensible as possible.	
Compliance Rating	Substantial Compliance
Discussion	Policy 209.1 Disciplinary Matrix was been approved by the Parties as of December 31, 2014. Policy 209.2 – Disciplinary Matrix (revision) became effective July 1, 2015 and included some minor changes which were reviewed and approved by Parties in May 2015.
Recommendations	None
Evidentiary Basis	Policy 209.1 Disciplinary Matrix takes into consideration the employees' Collective Bargaining Agreement (CBA); This policy was reviewed and approved by Town Hall Counsel.
SITE VISIT	JCE to continue monitoring.

## IX. SUPERVISION AND MANAGEMENT

161. EHPD and the Town shall ensure that EHPD supervisors provide the close and effective supervision necessary for officers to improve and grow as police officers; to police actively and effectively, and to identify, correct, and prevent misconduct. To achieve these outcomes, EHPD shall implement the requirements below.	
Compliance Rating	Substantial Compliance
Discussion	This is an introductory paragraph outlining the goals and objectives of the supervision and management section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces.
Recommendations	None
Evidentiary Basis	Review of reports and meetings with supervisors during site visits.

**A. Duties of Supervisors**

162. EHPD supervisors shall provide, and shall be held accountable for providing, the close and effective supervision necessary to direct and guide officers. Close and effective supervision requires that supervisors: (a) respond to the scene of certain arrests; (b) review each arrest report; (c) respond to the scene of uses of force; (d) investigate each use of force (except those investigated by the IAO); (e) confirm the accuracy and completeness of officers' written reports; (f) respond to each complaint of misconduct; (f) ensure officers are working actively to engage the community and increase public trust and safety; and (g) provide counseling, redirection, support to officers as needed, and are held accountable for performing each of these duties.	
Compliance Rating	Substantial Compliance
Discussion	Although the JCE has witnessed and learned about effective supervision inside the EHPD during the past 30 months and the Policies and Procedures Manual training was completed, this paragraph will continue to be carefully monitored.
Recommendations	None
Evidentiary Basis	On-site observations in the EHPD; Discussions about supervisory response to use of force and misconduct cases with Chief Larrabee. Review of Supervisory reports show supervisors respond to use of force cases and serious arrest incidents, as required by the Agreement. Review of IAO files.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue discussions with Chief Larrabee and on-site observations.

163. On-duty field supervisors shall be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other shifts.	
Compliance Rating	Substantial Compliance
Discussion	The JCE will continue to carefully track compliance on this paragraph.
Recommendations	None
Evidentiary Basis	Policy 215.1 On-site interviews with supervisors. On-site interviews with officers. Supervisory Reports show supervisors respond to use of force cases and serious arrest incidents, as required by the Agreement. Arrest Reports (sampling). All Use of Force Reports.
SITE VISIT	<u>Questions/Next Steps:</u> None



164. Shift commanders shall closely and effectively supervise the officers under their command. All EHPD Commanders and supervisors shall ensure that all supervisors and officers under their command comply with EHPD policy, state and federal law, and the requirements of this Agreement.	
Compliance Rating	Substantial Compliance
Discussion	No violations have been detected or reported to the JCE. The JCE will continue to carefully track compliance on this paragraph.
Recommendations	None
Evidentiary Basis	Policy 215.1 On-site interviews with supervisors. On-site interviews with officers. Supervisory Reports. Arrest Reports (sampling). Detainee reports. All Use of Force Reports.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to monitor

165. EHPD shall hold commanders and supervisors directly accountable for the quality and effectiveness of their supervision, including whether commanders and supervisors identify and effectively respond to misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process, as appropriate.	
Compliance Rating	Substantial Compliance
Discussion	The one year mark for all EHPD members to undergo performance evaluation based on their anniversary date is June 15, 2015.
Recommendations	After June 15, 2015, performance evaluation reviews will be addressed on every JCE site-visit and discussed in the JCE Three-year report.
Evidentiary Basis	Policy 215.1 On-site interviews with supervisors (Lieutenants). On-site interviews with officers. Supervisory Reports. Arrest Reports (sampling). All Use of Force Reports.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will review performance evaluations for next reporting period ending December 31, 2015.

166. Within twelve months of the Effective Date, EHPD shall develop and implement an EHPD-specific system to accurately evaluate officer performance in areas related to integrity, community policing, and critical police functions on both an ongoing and annual basis that comports with professional police practices and the requirements of this Agreement. As part of this program, EHPD shall establish a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor which shall include assessment of:	
a) community engagement and communication with the public;	
b) use of community-policing and problem-solving strategies;	



	<ul style="list-style-type: none"> <li>c) civilian commendations and complaints;</li> <li>d) disciplinary actions;</li> <li>e) compliance with policies on usage of sick leave and other leave;</li> <li>f) compliance with policies on secondary employment;</li> <li>g) safety (e.g., POST officer safety standards and vehicle operations);</li> <li>h) training;</li> <li>i) report-writing; and</li> <li>j) decision-making skills.</li> </ul>
Compliance Rating	Substantial Compliance
Discussion	The East Haven Board of Police Commissioners adopted a policy, which became effective on June 15, 2014, that calls for annual performance evaluations on an employee's anniversary date. After June 15, 2015, performance evaluation reviews will be addressed on every JCE site-visit and discussed in the JCE Three-year report. Employees have reviewed and signed off on Policy 215.1 via the online Power DMS system as well as received individual and roll call training. Supervisors have also received training on completing the evaluation forms.
Recommendations	
Evidentiary Basis	<p>Policy 215.1</p> <p>Power DMS System Roster. For the last six months, EHPD reported that there were no major deficiencies noted in the evaluations conducted thus far. There were just basic improvement and career development for many of the young officers having only a few years' experience. Each individual employee evaluation is reviewed and placed in the employee's own personnel file. After June 15, 2015, performance evaluation reviews will be addressed on every JCE site-visit and discussed in the JCE Three-year report.</p>
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>The JCE will review random evaluations on future site visits and report on progress during the 36 month reporting period.</p>

167. Annual performance evaluations shall be based upon work performance completed during the specific rating period. The officer's current direct supervisor shall complete the performance evaluation, but all supervisory personnel who supervised the officer during the rating period should provide written input, which shall be considered by the officer's current supervisor and incorporated into the performance evaluation.

Compliance Rating	Substantial Compliance
Discussion	Performance evaluations based upon Policies and Procedures are conducted yearly on the employee's anniversary date.
Recommendations	None
Evidentiary Basis	Policy 215.1. The EHPD reported that there were no major deficiencies noted. They also noted that some reports included "just basic improvement and career development for many of the young officers having only a few years' experience." Each individual employee evaluation is reviewed and

	placed in the employee's own personnel file.
SITE VISIT	<u>Questions/Next Steps:</u> The JCE will continue to review random evaluations.

## B. Early Identification System

168. EHPD shall develop, implement and maintain an Early Identification System ("EIS") to support the effective supervision and management of EHPD officers and employees, including the identification of and response to potentially problematic behaviors as early as possible. EHPD will regularly use EIS data to promote ethical and professional police practices; to manage risk and liability; and to evaluate the performance of EHPD employees across all ranks, units and shifts.	
Compliance Rating	Full Compliance
Discussion	<p>At the 180-day mark, the EHPD had begun implementing protocols for designing the data fields for an Early Identification System (EIS). At the 365-day mark, the EHPD started using/implementing the EIS to automatically draw information from the Law Enforcement Administrative System (LEAS), the in-house computer reporting system. At the 18-month mark and through the 30-month mark, the EIS is fully operational and continues to track:</p> <ul style="list-style-type: none"> <li>• Any firearm discharge or use.</li> <li>• ECW (Taser) deployment or use; two (2) within a 60-day period.</li> <li>• Baton or O/C use; two (2) within a 60-day period</li> <li>• Non-compliant handcuffing</li> <li>• Physical use of force: three (3) within a 30-day period</li> <li>• Pursuits; two (2) within a 30-day period</li> <li>• Officers arrests, including interfering with police, obstructing a police officer, resisting arrest, and assault on a police officer; two (2) within a 60-day period</li> <li>• Traffic accidents involving EHPD equipment; three (3) within 12-month period</li> <li>• Civil lawsuits; two (2) within a 12-month period</li> <li>• Excessive absences; eight (8) unscheduled occurrences in any 12-month period</li> </ul> <p>The EIS is monitored by the IAO and bi-weekly by the officer's supervisor. IAO and supervisors initiate and implement any intervention deemed necessary for the officer and document same in writing on the Departmental Review reporting area of LEAS consistent with the EHPD Early Intervention System (EIS) – Policy 207.2</p>
Recommendations	None
Evidentiary Basis	Policy 207.2; Supplemental Reports on EIS by EHPD IAO Naccarato; JCE on-site review of EIS. EIS was not triggered during this period.
SITE VISIT	<u>Questions/Next Steps:</u>

	The JCE continues on-site review of EIS and any updates/upgrades.
169. Within 180 days of the Effective Date, EHPD shall develop and begin implementing a protocol setting out which fields in EIS shall include historical data; deadlines for inputting data related to current and new information; and the individuals responsible for capturing and inputting data.	
Compliance Rating	Full Compliance
Discussion	In compliance with this Settlement Agreement paragraph, the EHPD implemented protocols for designing the data fields for an Early Identification System (EIS) that captures both historical data and emerging information about all sworn employees, automatically drawing data from the EHPD's Law Enforcement Administrative System (LEAS). The EIS provides a single repository of all relevant information about each sworn employee, both positive and negative. The system has been designed to identify patterns and will establish thresholds in such areas as civilian complaints, uses of force, firearms discharges, vehicle pursuits, excessive absences, and other factors to identify officers who may be at risk for misconduct and in need of supervisory intervention.
Recommendations	None
Evidentiary Basis	Policy 207.2 Onsite observation of completed EIS.
SITE VISIT	<u>Questions/Next Steps</u> The JCE continues to review EIS on-site.

170. Within 180 days of the Effective Date, EHPD shall develop and begin implementing a protocol for using the EIS and information obtained from it. The protocol for using the EIS shall address data storage, data retrieval, reporting, data analysis, pattern identification, identifying officers for intervention, supervisory use, supervisory/departamental intervention, documentation and audit. Among protocol requirements EHPD shall include:

- a) comparative data analysis, including peer group, shift and unit analysis, to identify patterns of activity by individual officers and groups of officers;
- b) EHPD commander and supervisor review, on a regular basis, but not less than bi-weekly, of EIS reports regarding each officer under the commander or supervisor's direct command and, at least quarterly, broader, pattern-based reports;
- c) EHPD commanders and supervisors to initiate, implement, and assess the effectiveness of interventions for individual officers, supervisors, and shifts, based on assessment of the information contained in the EIS;
- d) require an array of intervention options to facilitate an effective response to identified problems. Interventions may take the form of counseling or training, or of other supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system;
- e) specify that the decision to order an intervention for an employee or group using EIS data shall include peer group analysis, including consideration of the nature of the employee's

<p>assignment, and not solely on the number or percentages of incidents in any category of information recorded in the EIS;</p> <p>f) prompt review by EHPD commanders and supervisors of the EIS system records of all officers upon transfer to their supervision or command;</p> <p>g) evaluation of EHPD commanders and supervisors based on their appropriate use of the EIS to enhance effective and ethical policing and reduce risk; and</p> <p>h) mechanisms to ensure monitored and secure access to the EIS to ensure the integrity, proper use, and appropriate confidentiality of the data.</p>	
Compliance Rating	Full Compliance
Discussion	In compliance with this Settlement Agreement paragraph, the EHPD implemented protocols for designing the data fields for an Early Identification System (EIS) that captured both historical data and emerging information about all sworn employees, automatically drawing data from the EHPD's Law Enforcement Administrative System (LEAS). The EIS provided a single repository of all relevant information about each sworn employee, both positive and negative. The system has been designed to identify patterns and will establish thresholds in such areas as civilian complaints, uses of force, firearms discharges, vehicle pursuits, excessive absences, and other factors to identify officers who may be at risk for misconduct and in need of supervisory intervention.
Recommendations	None
Evidentiary Basis	Policy 207.2 Onsite observation of completed EIS.
SITE VISIT	<u>Questions/Next Steps</u> The JCE continues to review EIS on-site.

<p>171. The EIS shall include all relevant information available to EHPD to assess the conduct of each officer, including:</p> <p>a) all awards and commendations received by employees;</p> <p>b) investigations of the officer;</p> <p>c) complaints (including civil lawsuits) against the officer and their dispositions;</p> <p>d) data collected regarding the officer's stops, search and seizures and uses of force;</p> <p>e) data about officer's arrests, including arrests for interfering with a police officer, resisting arrest, assault on a police officer, and disorderly conduct;</p> <p>f) training history;</p> <p>g) supervisory reviews;</p> <p>h) all vehicle pursuits and traffic collisions involving EHPD equipment;</p> <p>i) all loss or theft of EHPD property or equipment in the custody of the employee, including currency, firearms, force instruments, and identification cards; and</p> <p>j) any disciplinary or other corrective action taken against the officer.</p>	
Compliance Rating	Full Compliance
Discussion	The EIS includes all information required by this Settlement Agreement

	paragraph. Additional training data is available on another computer.
Recommendations	Discuss issues with IAO Naccarato
Evidentiary Basis	The JCE reviewed the EIS system on-site. IAO Naccarato's 365-day supplemental report and Policy 207.2 IAO Naccarato's 18-month supplemental report. IAO Naccarato's 24-month supplemental report. IAO Naccarato's 30-month supplemental report. IAO Naccarato's 2014 Public Accountability Annual Report. On-site review of EIS and training information.
SITE VISIT	<u>Questions/Next Steps:</u> None

172. The EIS shall include appropriate identifying information for each involved officer (i.e., name, badge number, shift and supervisor) and civilian.	
Compliance Rating	Full Compliance
Discussion	None
Recommendations	The JCE will continue to review EIS for updates.
Evidentiary Basis	The EIS Database includes all the identifying information required under this paragraph.
SITE VISIT	<u>Questions/Next Steps:</u> None

173. EHPD shall maintain all personally identifiable information about an officer included in the EIS for at least five years following the officer's separation from the agency. Information necessary for aggregate statistical analysis will be maintained indefinitely in the EIS. On an ongoing basis, EHPD will enter information into the EIS in a timely, accurate, and complete manner, and shall maintain the data in a secure and confidential manner. No individual within EHPD shall have access to individually identifiable information that is maintained only within EIS and is about an officer not within that individual's direct command, except as necessary for investigative, technological, or auditing purposes.	
Compliance Rating	Full Compliance
Discussion	None
Recommendations	The JCE will continue to review EIS for updates.
Evidentiary Basis	The EIS Database includes all the identifying information required under this paragraph.
SITE VISIT	<u>Questions/Next Steps:</u> Monitor EIS/IAO reports.

174. The EIS, including any computer programs and hardware, will be operational, fully implemented, and be used in accordance with policies and protocols that incorporate the requirements of this Agreement within 365 days of the Effective Date. Prior to full implementation of the new EIS, EHPD will continue to use existing resources to the fullest extent	
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possible, to identify patterns of conduct by employees or groups of officers.	
Compliance Rating	Full Compliance
Discussion	None
Recommendations	The JCE will continue to review EIS for updates.
Evidentiary Basis	EIS Database includes all requirements under this paragraph. Policy 207.2, Deputy Chief Lennon's 365-day and 18-month report and IAO Naccarato's 365-day, 18-month supplemental report and IAO Naccarato's 2014 Public Accountability Annual Report. JCE verified in person.
SITE VISIT	Questions/Next Steps: JCE will continue to monitor

### C. Visual and Audio Documentation of Police Activities

175. EHPD shall maintain and operate video cameras and AVL in all police vehicles and shall repair or replace all non-functioning video cameras or AVL units. EHPD shall ensure that that recordings are captured, maintained, and reviewed as appropriate by supervisors, in addition to any review for investigatory or audit purposes, to assess the quality and appropriateness of officer interactions, uses of force, and other police activities.	
Compliance Rating	Substantial Compliance
Discussion	The JCE will continue to track compliance on this paragraph.
Recommendations	Since all technology is in-car and tied to computer, if the technology is not operating correctly, the car will not start. Supervisors inspect AVL's periodically to ensure device is functioning correctly; they also review all videos to ensure they are being utilized as per Department rules.
Evidentiary Basis	Policy 401.3 and Supervisory reports
SITE VISIT	Questions/Next Steps: Continue to monitor

176. Within 180 days of the Effective Date, EHPD shall develop and implement policies and procedures regarding AVL, in-car recorders, ECWs, and similar equipment that require:	
<ul style="list-style-type: none"> <li>a) activation of in-car cameras for all traffic stops and pursuits until the motor vehicle stop is completed and the stopped vehicle departs, or until the officer's participation in the motor vehicle stop ends;</li> <li>b) activation of ECW cameras when the ECW is unholstered;</li> <li>c) activation of in-car cameras for incidents in which a prisoner being transported is violent or resistant;</li> <li>d) supervisors to review AVL, in-car camera recordings, and ECW recordings of all officers listed in any EHPD report regarding any incident involving injuries to a prisoner or an officer, uses of</li> </ul>	

<p>force, vehicle pursuits, or misconduct complaints;</p> <p>e) supervisors to review recordings regularly and to incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers;</p> <p>f) that EHPD retain and preserve all recordings for at least three years; however if a case is reasonably anticipated to lead to litigation or remains under investigation or litigation longer than three years, EHPD shall retain and preserve the recordings for at least three years after the final disposition of the matter, including appeals; and</p> <p>g) that an officer notify a supervisor immediately when an event was not recorded.</p>	
Compliance Rating	Substantial Compliance
Discussion	The policy was completed and went into effect in September 2013. Training was completed in January and February 2014 and the policy was fully implemented throughout 2014. The JCE will continue to track compliance on this paragraph.
Recommendations	None
Evidentiary Basis	Policy 401.3 Training roster. On-going training.
SITE VISIT	Questions/Next Steps: None

<p>177. Within 90 days of the Effective Date, EHPD shall develop and implement a schedule for testing AVL, in-car recorder, and ECW camera recording equipment to confirm that it is in proper working order. Officers shall be responsible for ensuring that recording equipment assigned to them or their car is functioning properly at the beginning and end of each shift and shall report immediately any improperly functioning equipment.</p>	
Compliance Rating	Substantial Compliance
Discussion	In compliance with this paragraph, if the in-car technology (computer) is not functioning properly, the car will not start.
Recommendations	None
Evidentiary Basis	Policy 401.3. JCE has read reports during this period from supervisors reporting defective AVL. ECW and in-car recording equipment.
SITE VISIT	Questions/Next Steps: None

<p>178. Within 180 days of the Effective Date, EHPD shall provide each supervisor with handheld recording devices and require that supervisors use these devices to record complainant and witness statements taken as part of use of force or misconduct complaint investigations</p>	
Compliance Rating	Substantial Compliance
Discussion	In compliance with Paragraph 178 of the Settlement Agreement, EHPD supervisors have been equipped with iPhones capable of functioning as recording devices and suitable for recording the statements of witnesses and complainants in the field in use of force cases and other cases. In addition, supervisors have been using Department-issued body cams to record



	interviews and complaints
Recommendations	The JCE will continue to monitor the use of the iPhones to record complainant and witness statements per Policy 401.3.
Evidentiary Basis	Policy 401.3 On-site observation. All supervisors received training as IA investigators, as per the Chief.
SITE VISIT	Questions/Next Steps: The JCE continues to interview supervisors regarding functionality of iPhones.

## **X. COMMUNITY ENGAGEMENT AND OVERSIGHT**

179. EHPD shall create robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and increase community confidence in the Department. EHPD shall establish community and problem-oriented policing principles in its policing operations. EHPD shall also engage the public in the reform process through the dissemination of public information on a regular basis. EHPD and the Town shall develop, implement, and maintain systems to ensure comprehensive, effective, and transparent oversight of EHPD that will be sustained after the completion of this Agreement. To achieve these outcomes, EHPD shall implement the requirements below.	
Compliance Rating	Substantial Compliance
Discussion	This is an introductory paragraph outlining the goals and objectives of the community engagement and oversight section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces.
Recommendations	None
Evidentiary Basis	n/a

180. EHPD shall, in all of its policing operations, adopt the professional police practices of community oriented and problem-solving policing, including robust community partnerships, cooperative strategies, and promoting trust in the community.	
Compliance Rating	Substantial Compliance
Discussion	The EHPD has made considerable progress in this area. This paragraph will continue to be monitored by the JCE. The Chief and his leadership team have been visible in the community. The importance of constant community engagement must be underscored.
Recommendations	Chief continues to emphasize the importance of formal and informal community engagement throughout all ranks.
Evidentiary Basis	Group and individual meetings with residents, businesses and faith-based members of the community and EHPD. Community Liaison Officer Report.



	Onsite observation at community meetings. Meetings with community members. Chief has assigned sector PO's to high school as Liaison and they're staying in touch w/school Principal; officers on walking beat are assigned to new substations. Citizen's police academy: 20 started class and 15 graduated.
SITE VISIT	Questions/Next Steps: The JCE continues to attend community meetings and interview members of the residential, business and faith-based communities.

181. Within 90 days of the Effective Date, EHPD shall appoint and/or hire a Community Liaison Officer who is a sworn officer fluent in English and Spanish. The Community Liaison Officer shall also have formalized training in the nature and scope of federal and state civil rights law as applied to law enforcement activity	
Compliance Rating	Substantial Compliance
Discussion	Lieutenant David Emerman has been selected as both the language access coordinator and the community liaison officer. Lt. Emerman is bi-lingual and fluently speaks English and Spanish. Due to his educational background and life experiences, Lt. Emerman is very cultured in fostering good community relationships with various community groups, especially the local Latino community. The JCE has discussed the need to have a succession plan in place for this vital role and the EHPD has responded by assigning a Spanish-speaking officer to LT. Emerman for training as community Liaison.
Recommendations	None
Evidentiary Basis	THE EHPD 90-day Compliance Report; Meetings with Lt. Emerman; 365-day report, 18-month report, 24-month report and 30-month report. Media – newspaper articles. Community Liaison Officer Report. EHPD has responded by assigning a Spanish-speaking officer to LT. Emerman for training as community Liaison.
SITE VISIT	Questions/Next Steps: Ensure that a designated Community Liaison Officer is in place if staffing changes/promotions occur.

182. EHPD shall make the contact information and duty hours of the Community Liaison Officer public on its website and on any EHPD document generally available to the public. The Community Liaison Officer shall be directly available for public contact during normal business hours. The Community Liaison Officer shall have the following duties:	
<p>a) The Community Liaison Officer shall arrange for quarterly meetings of East Haven residents designed to permit residents to voice their concerns and ask questions. The meetings shall be conducted as follows:</p> <p>i. The meeting shall be attended by the Community Liaison Officer, at least one senior EHPD command staff member, and by officers responsible for patrolling, or supervising</p>	

patrol, in both the north and south sections of the Town. All EHPD personnel present shall be identified, in uniform, and available for responses to questions from residents of East Haven.

ii. Names shall not be required of persons attending the meeting, nor shall any investigative law enforcement action be taken at or after this meeting that involves attendees in any way, absent an emergency. EHPD may act based on information explicitly communicated at the meeting for that purpose.

iii. EHPD shall notify the public of this meeting and the requirements of this provision, including anonymity, regarding this meeting in the local press two weeks in advance of the meeting.

iv. The meeting location shall alternate between the north and south sections of the Town so that the meeting is held in each section quarterly.

b) The Community Liaison Officer shall review, on a monthly basis, all complaints submitted to EHPD by members of the community to assess community concerns. For those complaints that do not rise to the level of requiring formal action under EHPD policy, code of conduct, and the terms of this Agreement, the Community Liaison Officer shall notify the complainant of the availability of the Community Liaison Officer to answer the complainant's questions and respond to any further concerns.

c) The Community Liaison Officer shall meet monthly with the Chief of Police, the Mayor, and the Board. During these meetings, the Community Liaison Officer shall communicate the concerns that the Community Liaison Officer has received during the previous month, along with any other relevant information pertaining to the relationship of EHPD with East Haven residents.

Compliance Rating	Substantial Compliance
Discussion	<p>This paragraph was modified from the original Settlement Agreement to clarify where meetings should be held in town to make the meetings more convenient to residents throughout the town. Meetings now take place on alternating sides of town (north and south).</p> <p>A second modification was made to and approved by the Court on December 19, 2014 to the requirement of monthly community meetings to quarterly meetings due to low attendance. The Community Liaison Officer is well known by the community in East Haven and he arranges and attends all meetings and reports concerns to the Chief.</p>
Recommendations	<p>Develop succession plan for Community Liaison Officer to continue this work.</p> <p>Develop additional strategies for attracting community members to quarterly meetings.</p>
Evidentiary Basis	<p>365-day Supplemental Report and JCE on-site meetings and interviews.</p> <p>18-month Report.</p> <p>24-month Report.</p> <p>30-month Report.</p> <p>On-site meetings with Lt. Emerman.</p> <p>Community meetings coordinated by the Community Liaison Officer and</p>

	<p>held on January 28, 2015 and April 19, 2015.</p> <p>Ten week Citizen Police Academy completed April 13, 2015 (15 graduates)</p> <p>Community meeting scheduled for 2015</p> <p>Second Police Academy is scheduled for fall 2015</p> <p>Community Liaison Officer meets regularly with the Police Commission and the Police Chief</p>
SITE VISIT	<p><u>Questions/Next Steps:</u></p> <p>Discuss succession plan and strategy to attract more community members with Lt. Emerman.</p>

183. Within 90 days of the Effective Date, EHPD shall develop a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting high-quality applicants for employment across all levels of EHPD, sworn and civilian. EHPD's strategic recruitment plan shall establish and clearly identify the duties and goals of EHPD's recruitment efforts. The strategic recruitment plan shall include specific strategies for attracting a diverse pool of applicants, including members of groups that have been historically underrepresented in EHPD and applicants fluent in Spanish.

Compliance Rating	Substantial Compliance
Discussion	<p>In compliance with this paragraph, Chief Brent Larrabee, Attorney Larry Sgrignari, and Lt. Lennon attended the February 20, 2013 meeting of the East Haven Civil Service Commission. After consulting with the Commission members along with Chief Examiner Andrea Liquori, the Commission requested the submission of various recommended changes to their rules by their next meeting in order to comply with the Settlement Agreement. These changes support the Department's goals of moving towards a highly competent professional law enforcement agency. On March 11, 2013, the Civil Service Commission implemented the rule changes for the recruitment and hiring of both sworn and non-sworn EHPD employees. These changes include a tiered point system to encourage the recruiting of a more professional and well suited applicant. Although the hiring provisions utilized to hire police officers is regulated by the Connecticut General Statutes § 7-294 and the regulations of the CT POST Council, the encouragement for recruitment of a diverse applicant pool is driven by exceptional recruiting. The tiered point system grants additional testing points to applicants that provide proof of higher education, veteran's points for military service, or the ability to fluently speak languages other than English. In addition, the Civil Service Commission has adopted a recruitment plan. Pursuant to the plan, the EHPD actively advertises upcoming recruiting using various media sources. All advertisements are in both English and Spanish. Some of the locations for advertisement are:</p> <ul style="list-style-type: none"> <li>• All local newspapers (both English and Spanish)</li> <li>• Postings on EHPD and Town website</li> <li>• Multiple and frequent announcements on the EHPD's Facebook© and Twitter© pages</li> <li>• Online media advertisements on local news sources such as the East Haven</li> </ul>

	<p>Patch</p> <p>A much more diverse police department as compared to a few years ago.</p>
Recommendations	The JCE will continue to monitor EHPD recruitment efforts per this paragraph.
Evidentiary Basis	<p>The EHPD 90-day Compliance Report and phone conferences with Chief Larrabee.</p> <p>The selection process used is the standard Civil Service testing process that is not regulated or established by the Police Department. This process applies from the hiring of new officers up to the rank of Captain. The process includes a standardized written test, standardized independent (outside personnel from other agencies as the evaluators) oral board assessment, Chief's interview, and an interview by the Board of Police Commissioners.</p> <p>The following personnel changes were made during the reporting period:</p> <ul style="list-style-type: none"> <li>- 2 new Officers hired – (Lateral Transfers)</li> <li>- In addition the State Civil service gave an exam for detective earlier this year. Three people passed and all three were promoted. Their promotions will take effect September 7, 2015.</li> <li>- Also, there presently are 3-5 vacancies and EHPD plans to fill them in the next 30-60 days. As a result EHPD today has a much more diverse police department. See JCE's summary above for more information on diversity.</li> </ul>
SITE VISIT	<p>Questions/Next Steps:</p> <p>Continue to review and discuss recruitment plan strategies with EHPD leader and the 3-5 vacancies EHPD is planning to fill in the next 30-60 days.</p>

184. All EHPD audits and reports related to the implementation of this Agreement shall be made publicly available via website and at the Police Department, Town Hall, and other public locations, in English and in Spanish, to the fullest extent permissible under law.	
Compliance Rating	Substantial Compliance
Discussion	Although the major compliance reports marking 60, 90, 280, 270 and 365 days, and 18, 24 and 30 months after the Settlement Agreement Effective Date are posted on the websites, the JCE will continue to review additional materials related to EHPD policies and procedures and may make additional recommendations for adding materials.
Recommendations	The JCE will continue to work with Deputy Chief Lennon to identify additional materials for posting on the public website at the Police Department, Town Hall and Hagaman Public Library. Discussions of a blog, other social media outlets, using interns and other new processes to reach public should be continued.
Evidentiary Basis	EHPD Website and JCE on-site observations.
SITE VISIT	<p>Questions/Next Steps:</p> <p>Continue to verify and ensure updated materials are in place.</p>

185. EHPD shall collect and maintain all data and records necessary to facilitate and ensure transparency and wide public access to information related to EHPD decision making and activities, as permitted by law.	
Compliance Rating	Substantial Compliance
Discussion	The JCE is continuing to work with USDOJ and EHPD to track compliance on this paragraph since all training on the new Policy Manual was completed in February 2014 and continued to be implemented throughout 2015. Annual Use of Force reports, Stops, Search and Seizures reports --all available to the public.
Recommendations	None
Evidentiary Basis	Annual Use of Force reports, Stops, Search and Seizures reports, Policy Manual --all were published and accessible to the public.
SITE VISIT	<u>Questions/Next Steps:</u> Discuss any new ideas regarding transparency and information sharing with EHPD.

## **XI. AGREEMENT IMPLEMENTATION AND ENFORCEMENT**

### **A. Role of the Joint Compliance Expert**

186. The Parties shall select a Joint Compliance Expert (“JCE”) to assist the Parties in determining whether the terms of this Agreement have been fully and timely implemented, including reviewing and making recommendations on new or revised policies, training curricula, standard operating procedures, plans, protocols, and other operational documents related to this Agreement. The Joint Compliance Expert shall also assess and report whether the requirements of this Agreement have been implemented, and whether this implementation is resulting in constitutional policing, increased community trust, and the professional treatment of individuals by EHPD.

187. The Joint Compliance Expert shall only have the duties, responsibilities and authority conferred by this Agreement. The Joint Compliance Expert shall not, and is not intended to, replace or assume the role and duties of the Mayor, Board, Chief of Police, or EHPD.

188. In order to assess and report on the Town’s implementation of this Agreement and whether implementation is resulting in constitutional policing, increased community trust, and the professional treatment of individuals by EHPD, the Joint Compliance Expert shall conduct the compliance reviews and audits, outcome assessments, and incident reviews specified below, and such additional audits, reviews, and assessments as the Joint Compliance Expert or the Parties deem appropriate.

## B. Compliance Reviews and Audits

189. The Joint Compliance Expert shall conduct compliance reviews or audits as necessary to determine whether the Town has implemented and continues to comply with the material requirements of this Agreement. Compliance with a material requirement of this Agreement requires that the Town has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) that the requirement is being carried out in actual practice. Compliance reviews and audits shall contain both qualitative and quantitative elements as necessary for reliability and comprehensiveness.

## C. Outcome Assessments

190. In addition to compliance reviews and audits, the Joint Compliance Expert shall conduct qualitative and quantitative outcome assessments to measure whether the Town's implementation of this Agreement has promoted effective and constitutional policing. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of the following outcome data

- a) Bias-Free Policing and Community Engagement measurements, including:
  - i. A reliable, comprehensive, and representative annual survey of members of the East Haven community regarding their experiences with and perceptions of EHPD and of public safety. This comprehensive community survey shall include measures to ensure input from individuals of each significantly represented demographic category;
  - ii. Number and variety of community partnerships, with particular consideration of partnerships with youth, and qualitative assessment of the depth and effectiveness of those partnerships.
- b) Stop, Search and Arrest measurements, including:
  - i. The number and rate of arrests for which there is articulated reasonable suspicion for the stop and probable cause for the arrest, overall and broken down by geographic area; type of arrest; and demographic category;
  - ii. The number and rate of arrests which are prosecuted, overall and broken down by geographic area; type of arrest; and demographic category; and
  - iii. The number and rate of searches which result in a finding of contraband, overall and broken down by geographic area; type of arrest; and demographic category.
- c) Use of Force measurements including:
  - i. Rate of force used per arrest by EHPD overall and by force type; geographic area (i.e. street address); type of arrest; and demographic category;
  - ii. Rate of force complaints that are sustained and rate that are not sustained, overall and by force type; geographic area (i.e. street address); source of complaint (internal or external); type of arrest; and demographic category;
  - iii. Uses of Force that were found to violate policy overall and by force type; geographic area (i.e. street address); type of arrest; and demographic category;
  - iv. Number and rate of Use of Force administrative investigations/reviews in which each finding is supported by a preponderance of the evidence; and

	<p>v. Number of officers who frequently or repeatedly use force, or have more than one instance of force found to violate policy.</p> <p>d) Recruitment and Training measurements, including:</p> <p>i. Number of highly-qualified recruit candidates that have a demonstrated ability to serve diverse communities;</p> <p>ii. Number of candidates with Spanish language fluency;</p> <p>iii. Officer and agency reports of adequacy of training in type and frequency; and</p> <p>iv. Role of lack of training reflected in problematic incidents or by performance trends.</p> <p>e) Supervision measurements, including:</p> <p>i. Initial identification of officer violations and performance problems by supervisors, and effective response by supervisors to identified problems.</p> <p>f) Accountability measurements, including:</p> <p>i. The number of misconduct complaints, with a qualitative assessment of whether any increase or decrease appears related to access to the complaint process;</p> <p>ii. Rate of sustained, not sustained, exonerated and unfounded misconduct complaints;</p> <p>iii. Number and rate of misconduct complaints in which the finding for each allegation is supported by a preponderance of the evidence;</p> <p>iv. Number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints.</p> <p>v. Number and nature of civil suits against EHPD officers for on or off duty police conduct, regardless of whether the Town or EHPD is a defendant in the litigation, and settlement or penalty amounts;</p> <p>vi. Arrests/Summons of officers for on or off duty conduct; and</p> <p>vii. Criminal prosecutions of officers for on or off duty conduct.</p>
Compliance Rating	Substantial Compliance
Discussion	<p>Bias-Free Policing and Community Engagement measurements, including: (JCE notes in <i>italics and parentheses below</i>)</p> <p>i. Survey: <i>A community survey was prepared and executed online, but there were not enough participants to achieve a statistically significant sample. The JCE, working in collaboration with the Parties, is in the process of engaging another survey firm to conduct a new survey in the Fall 2015.</i></p> <p>ii. Number and variety of community partnerships, with particular consideration of partnerships with youth, and qualitative assessment of the depth and effectiveness of those partnerships.</p> <p><i>(Community groups/partnerships that the EHPD has been a part of have included: The Juvenile Review Board (JRB) which includes members from Police Department, Juvenile Probation, East Haven Public Schools, East Haven Youth Services, and the Juvenile Prosecutor's Office.</i></p>



*Citizen's Police Academy group started in January 2015- First class graduated in April 2015.*

*Liquor Commission Meeting with Liquor Vendors (Liquor Stores).*

*There have been several published accounts from community members, clergy, and even the US Attorney General speaking positively about the good relationship that exist today between the EHPD and the community. The JCE and the Parties are working to have a community survey conducted to gauge community sentiments towards EHPD in a more formal way)*

b) Stop, Search and Arrest measurements, including:

i. The number and rate of arrests for which there is articulated reasonable suspicion for the stop and probable cause for the arrest, overall and broken down by geographic area; type of arrest; and demographic category;

*(The EHPD reported the following to the JCE: Certain violations require the investigating officer to take enforcement action to remove the vehicle and/or operator from the roadway, such as operating under suspension, operating without a license, operating under the influence, misuse or possession of stolen marker plate, operating without insurance, and/or active arrest warrants for the operator. In total, 190 stops, during this six-month time period through June 2015, had one of these situations in which the officer did not have discretion and was required to take some type of enforcement action. Of these 190 stops, 56 operators or 29.47 percent were Hispanic. 114 operators or 60 percent were white non-Hispanic. 18 operators or 9.47 percent were black.*

*Of the stops in which officers had the ability to exercise discretion, 979 stops were of white non-Hispanic operators and resulted in 324 instances in which officers took formal enforcement action or 33.09 percent of stops in this category. In the same situation, 170 stops of Hispanic operators resulted in 63 instances in which officers took formal enforcement action or 37.05 percent of stops in this category. 87 stops of black operators resulted in 24 instances in which officers took formal enforcement action or 27.58 percent. 14 stops of Middle Eastern operators resulted in 4 instances in which officers took formal enforcement action or 28.57 percent.*

*(Please refer to section on Stops, Searches and Seizures, and Arrests above in JCE's Summary for further analysis).*

ii. The number and rate of arrests which are prosecuted, overall and broken down by geographic area; type of arrest; and demographic category;

*(Please refer to section on Stops, Searches and Seizures, and Arrests above in*



*JCE's Summary for further analysis).*

iii. The number and rate of searches which result in a finding of contraband, overall and broken down by geographic area; type of arrest; and demographic category.

*(The EHPD reported to the JCE the following: Out of the 1,456 vehicles stopped by EHPD, 49 were searched. A further analysis indicates that 35 of those searches were in fact motor vehicle inventories, which are governed by EHPD Policies and Procedures # 702. The remaining 14 searches resulted in 9 (0.82 percent) vehicles searched in which the operator was identified as white non-Hispanic, 3 (1.32 percent) vehicles in which the operator was identified as Hispanic, and 2 (1.90 percent) vehicles in which the operator was identified as black. Contraband was located during 6 of the searches: 3 were white non-Hispanic; 2 were Hispanic; and 1 was black non-Hispanic. For additional analysis, please refer to sections on Search, Seizures, and Arrests, and Bias-Free Policing in JCE's Summary above.)*

c) Use of Force measurements including:

i. Rate of force used per arrest by EHPD overall and by force type; geographic area (i.e. street address); type of arrest; and demographic category;

*(From January 1, 2015 to June 30, 2015, there were a total of 441 arrests and 169 emergency committals. During the period from January 1, 2015 to June 30, 2015 there were 34 incidents where use of force was involved.*

*Of those 34 incidents, there were 59 total uses of force (this includes multiple reports for the same incident, ie: if two officers pulled their weapons out during the same incident, this would count as two separate uses of force). No serious injuries resulted from any of these incidents, which were broken down as follows:*

- *19 Physical (hands on)*
- *7 Non- Compliant Handcuffing*
- *15 Firearm (no discharge)*
- *9 Taser (no discharge)*
- *9 Pursuits*

*There were 19 arrests in those 34 incidents and 4 emergency committals)*

ii. Rate of force complaints that are sustained and rate that

	<p>are not sustained, overall and by force type; geographic area (i.e. street address); source of complaint (internal or external); type of arrest; and demographic category;</p> <p><i>(The JCE reviewed all Use of Force reports and determined that all were justified during this time period. None were found to violate policy. No officers have been found to use force more frequently than others and no serious policy violations have taken place. There was one officer who failed to report a use of force (use of firearm-no discharge), and that officer was disciplined.) No Use of Force complaints were filed during this period.</i></p> <p>iii. Uses of Force that were found to violate policy overall and by force type; geographic area (i.e. street address); type of arrest; and demographic category;</p> <p><i>(All uses of force have been determined to be justified during this time period. Only one officer was found to have violated policy by not reporting a use of firearm (no discharge) and that officer was disciplined. No officers have been found to use force more frequently than others.)</i></p> <p>iv. Number and rate of Use of Force administrative investigations/reviews in which each finding is supported by a preponderance of the evidence;</p> <p><i>(The JCE reviewed all use of force reports and determined that all were justified during this time period. Only one officer was found to have violated policy by not reporting a use of firearm (no discharge) and that officer was disciplined. No officers have been found to use force more frequently than others)</i></p> <p>and</p> <p>v. Number of officers who frequently or repeatedly use force, or have more than one instance of force found to violate policy.</p> <p><i>(All uses of force were determined to have been justified during this time period. No officers were found to have used force more frequently than others.)</i></p> <p>d) Recruitment and Training measurements, including:</p> <p>i. Number of highly-qualified recruit candidates that have a demonstrated ability to serve diverse communities;</p> <p>ii. Number of candidates with Spanish language fluency;</p> <ul style="list-style-type: none"> <li>• <i>(EHPD is presently working off a newly administered Police entrance</i></li> </ul>
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*exam conducted by the State of Connecticut and it hopes to hire 3 to 5 new officers from this list in the fall 2015. The JCE will monitor this process).*

iii. Officer and agency reports of adequacy of training in type and frequency;

*(EHPD continues to utilize instructors and lesson plans pre-approved by the Department of Justice as required by the S.A. The JCE/DOJ have been provided with lesson plans and/or curricula consistent with the S.A. JCE audited in-service training during the month of June this year. Please see JCE's Summary report above for further information.)*

and

iv. Role of lack of training reflected in problematic incidents or by performance trends.

*(As for the role of lack of training reflected in problematic incidents or by performance trends, EHPD has reported to the JCE that one officer did not satisfactorily complete the required recruit field training program during this period and, as a result, was terminated from EHPD. No issues were reported to the JCE, which were believed to have been caused by or resulted from a lack of training.)*

e) Supervision measurements, including:

i. Initial identification of officer violations and performance problems by supervisors, and effective response by supervisors to identified problems.

*(The EHPD reported to the JCE that there were no major deficiencies noted during performance evaluations conducted this year. There were just basic improvement and career development for many of the young officers having only a few years' experience. Each individual employee evaluation is reviewed and placed in the employees own personnel file. There was one minor issue that was dealt with by the line supervisors, when an officer failed to report a lost badge in a timely manner and was suspended for two days.)*

f) Accountability measurements, including:

i. The number of misconduct complaints, with a qualitative assessment of whether any increase or decrease appears related to access to the complaint process;

*(2014 was the first full year of data on IA complaints. The JCE will analyze 2014 data against a full year of data for 2015 for the next reporting period that ends December 31, 2015. However, so far through June 30, 2015, there have been only 4 complaints made against EHPD officers.)*

ii. Rate of sustained, not sustained, exonerated and unfounded misconduct complaints;

*(There have been only 4 complaints made against EHPD officers: One was never filed but nevertheless investigated by EHPD and officer was counseled; one officer was exonerated; one officer terminated for not satisfactorily completing field training; two officers in one case were investigated by the IAO and exonerated. Also the State's Attorney cleared both- See JCE Summary report above for details.)*

iii. Number and rate of misconduct complaints in which the finding for each allegation is supported by a preponderance of the evidence;

*(There have been only 4 complaints made against EHPD officers: One was never filed but nevertheless investigated by EHPD and officer was counseled; one office was exonerated; one officer terminated for not satisfactorily completing field training; one is still under investigation by EHPD. Although the State's Attorney cleared him- See JCE Summary report above for details.)*

iv. Number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints.

*(No officers were found to be subjects of repeated misconduct complaints, whether sustained or otherwise.)*

v. Number and nature of civil suits against EHPD officers for on or off duty police conduct, regardless of whether the Town or EHPD is a defendant in the litigation, and settlement or penalty amounts;

*(No civil suits have been filed against EHPD or its officers or the town for this reporting period.)*

vi. Arrests/Summons of officers for on or off duty conduct;

*(No officers were arrested for any incident in EHPD this period.)*

and

vii. Criminal prosecutions of officers for on or off duty conduct.

*(There have been no criminal prosecutions of EHPD officers this reporting*

	<i>period.)</i>
Recommendations	Continue to work with the JCE on collecting and analyzing these data.
Evidentiary Basis	Data provided in EHPD 30 month report. Additional data collected from phone conference and email communication. JCE research and analysis.
SITE VISIT	Questions/Next Steps: The JCE will continue to work with EHPD on gathering this information and analyzing it to develop and report outcomes.

191. In conducting these outcome assessments the Joint Compliance Expert may use any relevant data collected and maintained by EHPD, provided that it has determined that this data is reasonably reliable and complete. To conduct the annual community survey, the Joint Compliance Expert shall retain an individual or entity which shall:

- a) develop a baseline of measures on public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters;
- b) conduct baseline surveys of Town residents, police personnel, and detained arrestees, and follow-up surveys on at least an annual basis;
- c) ensure that the resident surveys are designed to capture each demographic category; and
- d) conduct the survey in English and Spanish.

Compliance Rating	N/A
Discussion	The JCE has solicited three nationally recognized survey firms to continue community, department and detainee survey work in East Haven. A fourth local firm identified by the Town of East Haven will also be asked to submit a proposal. A selection will be made by Fall 2015 and work will begin. All results will be presented and discussed in future JCE reports.
Recommendations	Continue to work with Lt. Emerman and survey firm on reaching a statistically significant and representative sample of East Haven's community. It is anticipated that a second department survey will be given and a detainee survey and survey process will be developed in late 2015.
Evidentiary Basis	Survey proposals have been received and are being evaluated by the Parties for a Fall 2015 start.
SITE VISIT	Questions/Next Steps: None

#### **D. Outcome Assessment Plan and Review Methodology**

192. Within 90 days of the Effective Date, the Joint Compliance Expert shall develop a plan for conducting the above outcome assessments and compliance reviews and audits, and shall submit this plan to the Parties for review and approval. This plan shall:

- a) clearly delineate the requirements of the Agreement to be assessed for compliance, indicating which requirements will be assessed together;
- b) set out a schedule for conducting outcome measure assessments for each outcome

measure at least annually, except where otherwise noted, with the first assessment occurring within 18 months of the Effective Date; and

c) set out a schedule for conducting a compliance review or audit of each requirement of this Agreement within the first two years of the Agreement, and a compliance review or audit of each requirement at least annually thereafter.

193. Within 90 days of the Effective Date, the Joint Compliance Expert shall develop a plan for conducting the above outcome assessments and compliance reviews and audits, and shall submit this plan to the Parties for review and approval. This plan shall:

a) clearly delineate the requirements of the Agreement to be assessed for compliance, indicating which requirements will be assessed together;

b) set out a schedule for conducting outcome measure assessments for each outcome measure at least annually, except where otherwise noted, with the first assessment occurring within 18 months of the Effective Date; and

c) set out a schedule for conducting a compliance review or audit of each requirement of this Agreement within the first two years of the Agreement, and a compliance review or audit of each requirement at least annually thereafter.

194. At least 90 days prior to the initiation of any outcome measure assessment or compliance review or audit, the JCE shall submit a proposed methodology for the assessment, review or audit, to the Parties. The Parties shall submit any comments or concerns regarding the proposed methodology to the Joint Compliance Expert within 45 days of the proposed date of the assessment, review or audit. The Joint Compliance Expert shall modify the methodology as necessary to address any concerns or shall inform the Parties in writing of the reasons it is not modifying its methodology as proposed.

#### **E. Review of Use of Force and Misconduct Investigations**

195. EHPD shall provide each completed investigation of a serious use of force or use of force that is the subject of a misconduct investigation, and each misconduct complaint report, to the Joint Compliance Expert. The Joint Compliance Expert shall review each use of force investigation or review and each misconduct investigation and recommend for further investigation any use of force or misconduct complaint investigations the Joint Compliance Expert determines to be incomplete or for which the findings are not supported by a preponderance of the evidence.

Compliance Rating	Substantial Compliance
Discussion	There have been no serious uses of force that the JCE is aware of during this reporting period.
Recommendations	None.
Evidentiary Basis	Regular contact with Chief Larrabee and command staff.

## **F. Joint Compliance Expert Recommendations and Technical Assistance**

196. The Joint Compliance Expert may make recommendations to the Parties regarding measures necessary to ensure timely, full and effective implementation of this Agreement and its underlying objectives. Such recommendations may include a recommendation to change, modify, or amend a provision of the Agreement, a recommendation for additional training in any area related to this Agreement, or a recommendation to seek technical assistance. In addition to such recommendations, the Joint Compliance Expert may also, at the request of DOJ or the Town and based on the Joint Compliance Expert's reviews, provide technical assistance consistent with the Joint Compliance Expert's responsibilities under this Agreement.

## **G. Comprehensive Re-Assessment**

197. The Joint Compliance Expert shall conduct a comprehensive assessment two years after the Effective Date to determine whether and to what extent the outcomes intended by this Agreement have been achieved, and any modifications to the Agreement that are necessary for continued achievement in light of changed circumstances or unanticipated impact (or lack of impact) of the requirement. This assessment shall address also areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies for accelerating full and effective compliance. Based upon this comprehensive assessment, the Joint Compliance Expert shall recommend modifications to the Agreement necessary to achieve and sustain intended outcomes. Where the Parties agree with the Joint Compliance Expert's recommendations, the Parties shall stipulate to modify the Agreement accordingly. This provision in no way diminishes the Parties' ability to stipulate to modifications to this Agreement as set out below.

## **H. Joint Compliance Expert Reports**

198. The Joint Compliance Expert shall file with the Court semi-annual written, public reports covering the reporting period that shall include:

- a) a description of the work conducted by the Joint Compliance Expert during the reporting period;
- b) a listing of each Agreement requirement indicating which requirements have been: (i) incorporated into implemented policy; (ii) the subject of sufficient training for all relevant EHPD officers and employees; (iii) reviewed or audited by the Joint Compliance Expert to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (iv) found by the Joint Compliance Expert to have been fully implemented in practice;
- c) the methodology and specific findings for each audit or review conducted, redacted as necessary for privacy concerns. An unredacted version shall be filed under seal with the Court and provided to the Parties. The underlying data for each audit or review shall not be publicly available but shall be retained by the Joint Compliance Expert and provided to either or both Parties upon request;
- d) for any requirements that were reviewed or audited and found not to have been fully



implemented in practice, the Joint Compliance Expert's recommendations regarding necessary steps to achieve compliance;

- e) the methodology and specific findings for each outcome assessment conducted;
- f) qualitative assessment of EHPD's progress in achieving the desired outcomes for each area covered by the Agreement--noting issues of concern or particular achievement; and
- g) a projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of the Agreement.

199. The Joint Compliance Expert shall provide a copy of semi-annual reports to the Parties in draft form at least ten business days prior to Court filing and public release of the reports to allow the Parties to informally comment on the reports. The Joint Compliance Expert shall consider the Parties' responses and make appropriate changes, if any, before issuing the report.

200. The Joint Compliance Expert shall maintain regular contact with the Parties in order to ensure effective and timely communication regarding the status of the Town's implementation of and compliance with this Agreement.

#### **I. Public Statements, Testimony, Records, and Conflicts of Interest**

201. Except as required or authorized by the terms of this Agreement or the Parties acting together: neither the Joint Compliance Expert, including, for the purposes of this paragraph, any agent, employee, or independent contractor thereof, shall make any public statements or issue findings with regard to any act or omission of the Town or its agents, representatives, or employees; or disclose non-public information provided to the Joint Compliance Expert pursuant to the Agreement. Any press statement made by the Joint Compliance Expert regarding its employment or assessment activities under this Agreement shall first be approved by the Parties.

202. The Joint Compliance Expert may testify as to observations, findings, and recommendations before the Court with jurisdiction over this matter, but the Joint Compliance Expert shall not testify in any other litigation or proceeding with regard to any act or omission of the Town or any of its agents, representatives, or employees related to this Agreement or regarding any matter or subject that the Joint Compliance Expert may have received knowledge of as a result of his or her performance under this Agreement. This paragraph does not apply to any proceeding before a court related to performance of contracts or subcontracts for monitoring this Agreement.

203. Unless such conflict is waived by the Parties, the Joint Compliance Expert shall not accept employment or provide consulting services that would present a conflict of interest with the Joint Compliance Expert's responsibilities under this Agreement, including being retained (on a paid or unpaid basis) by any current or future litigant or claimant, or such litigant's or claimant's attorney, in connection with a claim or suit against the Town or its departments, officers, agents or employees.

204. The Joint Compliance Expert is not a state or local agency, or an agent thereof, and accordingly the records maintained by the Joint Compliance Expert shall not be deemed public records subject to public inspection.



205. The Joint Compliance Expert shall not be liable for any claim, lawsuit, or demand arising out of the Joint Compliance Expert's performance pursuant to this Agreement.

#### **J. EHPD Compliance Coordinator**

206. Within 30 days of the Effective Date, EHPD shall identify a compliance coordinator to serve as the single point of contact to the Joint Compliance Expert and DOJ. The Compliance Coordinator shall coordinate the Town's compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the Town's personnel to the Joint Compliance Expert and DOJ, as needed; ensure that all data, documents and records are maintained as provided in this Agreement; and assist in assigning implementation and compliance related tasks to EHPD personnel, as directed by the Chief of Police or his/her designee.

Compliance Rating	Substantial Compliance
Discussion	Deputy Chief Lennon and Lt. Emerman have been and continue to be exceptionally hard working and effective Compliance Coordinators for the EHPD.
Recommendations	Deputy Chief Lennon and Lt. Emerman should be commended for their efforts.
Evidentiary Basis	This compliance report. Lt. Emerman served as the Compliance Coordinator during Deputy Chief Lennon's lengthy absence due to training earlier this year.
SITE VISIT	<u>Questions/Next Steps:</u> Continue to ensure a designated Compliance Coordinator, such as Lt Emerman, is in place if staffing changes/promotions occur.

#### **K. Implementation Assessment and Report**

207. The Town shall collect and maintain all data and records necessary to: (a) document implementation of and compliance with this Agreement, including data and records necessary for the Joint Compliance Expert to conduct reliable outcome assessments, compliance reviews, and audits; and (b) perform ongoing quality assurance in each of the areas addressed by this Agreement.

Compliance Rating	Substantial Compliance
Discussion	The Town has collected, maintained and continues to share needed records and data with the JCE and USDOJ.
Recommendations	None
Evidentiary Basis	Data provided to JCE and USDOJ.
SITE VISIT	<u>Questions/Next Steps:</u> None

208. Beginning with the Joint Compliance Expert's first semi-annual report, the Town shall provide to the Joint Compliance Expert and DOJ a status report no later than 30 days before the Joint Compliance Expert's semi-annual report is due. The Town's report shall delineate the steps taken by the Town during the reporting period to implement this Agreement; the Town's assessment of the status of its progress; plans to correct any problems; and response to any concerns raised in the Joint Compliance Expert's previous semi-annual report.

#### **L. Access and Confidentiality**

209. To facilitate its work, the Joint Compliance Expert may conduct on-site visits and assessments without prior notice to the Town. The Joint Compliance Expert shall have access to all necessary individuals, facilities, and documents, which shall include access to Agreement related trainings, meetings, and reviews such as critical incident reviews; use of force reviews, and disciplinary hearings. EHPD shall notify the Joint Compliance Expert as soon as practicable, and in any case within twelve hours, of any critical firearms discharge, arrest of any officer, or any other potentially high-profile serious incident.

210. The Town shall ensure that the Joint Compliance Expert shall have timely, full and direct access to all of the Town's staff, employees, and facilities that the Joint Compliance Expert reasonably deems necessary to carry out the duties assigned to the Joint Compliance Expert by this Agreement. The Joint Compliance Expert shall cooperate with the Town to access people and facilities in a reasonable manner that, consistent with the Joint Compliance Expert's responsibilities, minimizes interference with daily operations.

211. The Town shall ensure that the Joint Compliance Expert shall have full and direct access to all of the Town's documents and data that the Joint Compliance Expert reasonably deems necessary to carry out the duties assigned to the Joint Compliance Expert by this Agreement, except any documents or data protected by the attorney-client privilege. Should the Town decline to provide the Joint Compliance Expert access to documents or data based on attorney-client privilege, the Town shall inform the Joint Compliance Expert and DOJ that it is withholding documents or data on this basis and shall provide the Joint Compliance Expert and DOJ with a log describing the documents or data.

212. To the extent necessary to ensure proper implementation of this Agreement, DOJ and its consultative experts and agents shall have full and direct access to all of the Town's staff, employees, facilities, documents and data. DOJ and its consultative experts and agents shall cooperate with the Town to access involved personnel, facilities, and documents in a reasonable manner that, consistent with DOJ's responsibilities to enforce this Agreement, minimizes interference with daily operations. Should the Town decline to provide DOJ with access to documents or data based on attorney-client privilege, the Town shall inform DOJ that it is withholding documents or data on this basis and shall provide DOJ with a log describing the documents or data.

213. The Joint Compliance Expert and DOJ shall provide the Town with reasonable notice of a request for copies of documents. Upon such request, the Town shall provide, in a timely manner, copies (electronic, where readily available) of the requested documents to the Joint Compliance Expert and DOJ.

214. The Joint Compliance Expert shall have access to all records and information relating to criminal investigations of EHPD officers as permissible by law. The Joint Compliance Expert shall have access to all documents in criminal investigation files that have been closed by EHPD. The Joint Compliance Expert shall also have reasonable access to all arrest reports, warrants, and warrant applications whether or not contained in open criminal investigation files. Where practicable, arrest reports, warrants, and warrant applications shall be obtained from sources other than open criminal investigation files.

Compliance Rating	Substantial Compliance
Discussion	None
Recommendations	None
Evidentiary Basis	No new incidents this reporting period.

#### **M. Selection and Compensation of the Joint Compliance Expert**

215. The Joint Compliance Expert and DOJ shall maintain all non-public information provided by the Town in a confidential manner. This Agreement shall not be deemed a waiver of any privilege or right the Town may assert, including those recognized at common law or created by statute, rule or regulation, against any other person or entity with respect to the disclosure of any document or communication.

216. Within 60 days of the Effective Date, the Town and DOJ shall together select an independent Joint Compliance Expert, acceptable to both, which shall assess and report on EHPD's implementation of this Agreement. The selection of the Joint Compliance Expert shall be pursuant to a method jointly established by the Town and DOJ, and will not be governed by any formal or legal procurement requirements. The Joint Compliance Expert and his/her team shall be individuals of the highest ethics.

217. If the Parties are unable to agree on a Joint Compliance Expert or an alternative method of selection within 60 days of the Effective Date, they reserve the right to seek the Court's assistance by asking the Court to select a Joint Compliance Expert. In that case, each Party shall submit the names of three candidates, or three groups of candidates, along with resumes and cost proposals, to the Court, and the Court shall select a Joint Compliance Expert from among the qualified candidates/candidate groups.

218. The Joint Compliance Expert shall be appointed for a period of four years from the Effective Date and shall have its appointment extended automatically should the Town not demonstrate full and effective compliance at the end of this four-year period.

219. The Town shall bear all reasonable fees and costs of the Joint Compliance Expert. In selecting the Joint Compliance Expert, DOJ and the Town recognize the importance of ensuring that the fees and costs borne by the Town are reasonable, and accordingly fees and costs shall be one factor considered in selecting the Joint Compliance Expert. In the event that any dispute arises regarding the reasonableness or payment of the Joint Compliance Expert's fees and costs, the Town, DOJ, and the Joint Compliance Expert shall attempt to resolve such dispute cooperatively prior to seeking the assistance of the Court to resolve such dispute.

220. The Town shall provide the Joint Compliance Expert with permanent office space and reasonable office support such as office furniture, telephones, access to internet, secure document storage, photocopying and scanners.

221. Should any of the Parties to this Agreement determine that the Joint Compliance Expert's individual members, agents, employees, or independent contractors have exceeded their authority or failed to satisfactorily perform the duties required by this Agreement, the Party shall meet and confer to resolve outstanding concerns. If the Parties are unable to agree on a solution, either Party may petition the Court for such relief as the Court deems appropriate, including replacement of the Joint Compliance Expert, and/or any individual members, agents, employees, or independent contractors.

#### **N. Court Jurisdiction, Modification of the Agreement, and Enforcement**

222. This Agreement shall become effective upon entry by the Court.

223. The Parties agree jointly to file this Agreement with the United States District Court for the District of Connecticut. The joint motion shall request that the Court enter the Agreement pursuant to Federal Rule of Civil Procedure 41(a)(2), conditionally dismiss the complaint in this action, and retain jurisdiction to enforce the Agreement. Should the United States determine that the Town has failed to comply with the Agreement, the case will be reinstated for the purposes of enforcing the Agreement only. The Town may not challenge liability or the necessity for Agreement terms.

224. To ensure that the requirements of this Agreement are properly and timely implemented, the Court shall retain jurisdiction of this action for enforcement purposes until such time as the Town has achieved full and effective compliance with this Agreement and maintained such compliance for no less than two years. If the Town believes it has reached full compliance and moves the Court to terminate this Agreement, the Town shall bear the burden of demonstrating full and effective compliance with this Agreement.

225. The United States acknowledges the good faith of the Town in trying to address the remedial measures that are needed to promote police integrity and ensure constitutional policing in East Haven. The United States, however, reserves its right to seek enforcement of the provisions of this Agreement if it determines that the Town has failed to fully comply with any provision of this Agreement. Prior to initiating any enforcement proceedings in Court for an alleged failure to comply with any provision of this Agreement, the United States will notify the Town in writing of

the facts supporting its belief that the Town is not in compliance. The Town will investigate the allegations and respond in writing within 30 days. If the dispute remains unresolved, the Parties will conduct negotiations to resolve the issue(s). If the Parties are unable to resolve the issue(s) satisfactorily within 30 days of the Town's written response, the United States may move the Court for any relief permitted by law or equity and demonstrate that the relief is necessary to implement this Agreement.

226. Failure by any Party to enforce this entire Agreement or any provision thereof with respect to any deadline or any other provision herein shall not be construed as a waiver, including of its right to enforce other deadlines and provisions of this Agreement.

227. Any modification of this Agreement shall be executed in writing by the Parties, shall be filed with the Court, and shall not be effective until the Court enters the modified agreement and retains jurisdiction to enforce it.

228. Nothing in this Agreement shall be construed as an acknowledgement, an admission, or evidence of liability of the Town under the Constitution of the United States, federal or state law, and this Agreement may not be used as evidence of liability in this or any other civil or criminal proceeding.

229. The Parties agree to defend the provisions of this Agreement. The Parties shall notify each other of any court or administrative challenge to this Agreement. In the event any provision of this Agreement is challenged in any Connecticut court, removal to a federal court shall be sought by the Parties.

230. The Town agrees to promptly notify DOJ if any term of this Agreement becomes subject to a collective bargaining dispute and to consult with DOJ in a timely manner regarding the position the Town takes in any collective bargaining dispute connected with this Agreement.

231. The Town shall require compliance with this Agreement by its respective officers, employees, agencies, assigns, or successors.

#### **O. Termination of the Agreement**

232. The Parties anticipate that the Town will have reached full and effective compliance with this Agreement within four years of its Effective Date. The Parties may agree to jointly ask the Court to terminate this Agreement prior to or after this date, provided that the Town has been in full and effective compliance with this Agreement for two consecutive years. "Full and Effective Compliance" shall be defined to require both sustained compliance with all material requirements of this Agreement and sustained and continuing improvement in constitutional policing and public trust, as demonstrated pursuant to the Agreement's outcome measures.

233. If after four years from the Effective Date the Parties disagree whether the Town has been in full and effective compliance for two years, either Party may seek to terminate this Agreement. In the case of termination sought by the Town, prior to filing a motion to terminate, the Town agrees to notify DOJ in writing when the Town has determined that it is in full and effective compliance with this Agreement and that such compliance has been maintained for no less than two years. Thereafter, the Parties shall promptly confer as to the status of compliance. If, after a reasonable period of consultation and the completion of any audit or evaluation that DOJ and/or the Joint Compliance Expert may wish to undertake, including on-site observations, document review, or interviews with the Town's personnel, the Parties cannot resolve any compliance issues, the Town may file a motion to terminate this Agreement. If the Town moves for termination of this Agreement, DOJ will have 60 days after the receipt of the Town's motion to object to the motion. If DOJ does not object, the Court may grant the Town's motion. If DOJ does make an objection, the Court shall hold a hearing on the motion and the burden shall be on the Town to demonstrate that they are in full and effective compliance with this Agreement and have maintained such compliance for at least two consecutive years.