

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 213.2
	Subject/Title: Legal and Legitimate Authority of Sworn Personnel		Issue Date: July 29, 2014
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: September 1, 2014
	References/Attachments: N/A		Review Date: Annually
		Rescinds: 213.1	Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the sources and limits of police authority for sworn officers.

II. POLICY

- A. It is the policy of the East Haven Police Department that all sworn members shall be guided by the definitions and limits of their police powers as are and will be laid down by the State of Connecticut, the Town of East Haven and the policies and procedures of the Department.
- B. It is the policy of the East Haven Police Department to recognize that that all sworn members must exercise judgment and discretion in exercising their lawful powers.

III. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Section 7-148 of the General Statutes of the State of Connecticut grants municipalities the power to provide police protection. Section 7-274 of the Connecticut General Statutes authorizes the creation of a board of police commissioners and State of Connecticut Special Act A237-7 of 1929 creates such a board in the Town of East Haven and authorizes it to organize a police department.
- B. Police officers of the Town of East Haven derive the legal authority to effect warrantless arrests from Connecticut General Statutes 54-1f which authorizes officers to make an arrest without a warrant. Sworn officers of the East Haven Police Department are further empowered under section 7-276 of the Connecticut General Statutes which states in part:

“...The members of such police department shall have all such authority with respect to the service of criminal process and the enforcement of the criminal laws as is vested by the general statutes in police officers and constables. Title 54 chapters 959 and 960 of the Connecticut General Statutes details the authority of law enforcement officers regarding:

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

C. Additionally, Connecticut General Statutes 29-35 authorizes police officers to carry firearms within the State of Connecticut and Connecticut General Statutes 14-283 exempts police emergency vehicles from certain traffic laws.

IV. PROCEDURES

- A. All sworn officers of this department are expected to use discretion when exercising their legal authority. Discretion is the latitude of choice within legal guidelines. When discretionary power is poorly exercised, it may be viewed by the public as bias, favoritism or even corruption. Therefore, when exercising discretion in the performance of their duty, it is imperative that officers take into consideration the law, goals and objectives of the department, the best interest of the citizenry, and any mitigating circumstances surrounding each incident.
- B. We know from experience and from social science research that individuals care about how they are treated by government authorities, particularly the most visible and powerful agent of that authority, the police. Treatment provides individuals important indicators to individuals about how the authority in question views them and, by extension, any groups to which the individual perceives him or herself belonging.
- C. In order to make this assessment about fairness, individuals focus on three factors:
1. Dignity - Researchers mean that the authority signals by its decent and fair treatment that it respects a person's dignity and that of any groups that person identifies with. Treatment that accords dignity and respect, such as respect for human and civil rights, signals to the individual that the police are just. Dignity in an encounter is like oxygen. When it's present, no one thinks about it. The instant it starts to go, it is all anyone can think about.
 2. Neutrality - Refers to indications that decisions are fair, that the person is not being treated differently from others because of perceived or real bias on the part of the police.
 3. Trust - Refers to the extent to which an individual believes that the authority in question will act fairly in the future toward him or her.

- D. In action the use of procedures regarded as fair by all parties facilitates the maintenance of dignity, neutrality and trust. While it may not be obvious how a particular case should come out, it is almost always clear how parties should proceed and be treated in that particular case. People appear to care very deeply about the way they are treated by authorities quite apart from the outcomes of particular encounters.
- E. A "totality of circumstances" approach should be considered by officers at all times during the performance of duties, especially when exercising arrest authority. Officers must consider the situation with which they are confronted, policies and procedures, and possible alternative resolutions.
- F. The use of discretion should be carefully reviewed and restricted in felony situations. Greater latitude of discretionary judgment will be permitted in the investigation of misdemeanors and infractions, or town ordinances. Each officer will be held accountable for the proper use of discretion in any given situation.