

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

Agreement for Effective and Constitutional Policing
365 Day Compliance Report

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Introduction

O'Toole Associates, LLC, the Joint Compliance Expert (JCE) overseeing the **Agreement for Effective and Constitutional Policing or Settlement Agreement** (Agreement) between Town of East Haven and East Haven Police Department (EHPD) and the U.S. Department of Justice (DOJ), submits this report of the JCE's findings with respect to the first 12 months of the Agreement ending on December 21, 2013.

As outlined in the JCE plan of March 2013, the JCE understands its task to be three-fold:

- 1) The JCE must insure that the East Haven Police Department is meeting all material requirements and all deadlines specified in the various paragraphs of the Agreement;
- 2) The JCE must, over time, make a more generalized assessment of whether or not the process outlined in the 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 365 days after the Agreement effective date of December 21, 2012. This report has two sections. Section 1 presents a narrative overview of compliance milestones achieved or in the process of being completed by the EHPD during the past year. In Section 2, 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 223 paragraphs (numbered 10-233) in the Agreement through December 21, 2013.

I. Compliance Overview: Tasks and Milestones

The following is a summary of activity and compliance milestones since the appointment of the JCE on February 19, 2013. Please note that some of the information in the 365 day report is restated from the 180 day report as the 365 day report is a cumulative assessment.

A. Compliance Tasks

The JCE conducted the following tasks to assess compliance since being appointed in February 2013:

- The JCE visited East Haven on thirteen occasions and has worked to establish strong relationships with all parties and a variety of community representatives;
- The JCE attended an introductory meeting with the Mayor, Chief of Police, counsel representing the Town of East Haven for the Agreement, senior members of the Mayor's staff, and representatives of the East Haven Police Commission. Since that initial meeting, the JCE has met on several occasions with all of the aforementioned parties.
- The JCE has established a good rapport with members of the clergy who represent diverse congregations in East Haven. The JCE has attended several group and individual meetings with clergy or where clergy have been present.
- The JCE met with two of the original victims/complainants to learn more about their experiences with East Haven Police, as well as representatives of the Latino business community.
- The JCE attended and addressed a meeting of the East Haven Police Commission.
- The JCE addressed East Haven business leaders at a meeting hosted by the police and fire chiefs and attended by the Mayor and other town officials.
- The JCE introduced representatives of the DOJ Community Relations Service (CRS), to counsel representing the town. The JCE attended a follow-up meeting with CRS, the Mayor, the Police Chief, outside counsel, and town counsel, resulting from the introduction provided by the JCE. During the meeting it was agreed that CRS would provide cultural awareness training for all town departments. The training took place in the summer of 2013. The CRS conducted additional training at the EHPD. The JCE also attended a meeting with CRS officials in Boston to discuss additional resources that may be available to assist the Town of East Haven going

forward. There is ongoing discussion about getting CRS involved with the East Haven School Department. CRS and clergy members have noted that some of the EHPD behavior that led to this Agreement may be a reflection of broader community attitudes. As a result, town leaders, clergy, CRS and the JCE agreed it may be beneficial to introduce CRS to the school superintendent to explore opportunities for CRS to engage with students and faculty in East Haven schools. In a recent conversation between Town officials and the JCE, it was agreed that the JCE will contact CRS and work with counsel representing the Town to facilitate the introduction.

- The JCE was accompanied by representatives of DOJ Civil Rights Division and the U.S. Attorney's office when conducting ride-alongs with East Haven police officers and a meeting with a representative of the Latino business community.
- The JCE met with the recently appointed Acting U.S. Attorney Dierdre Daly. Her perspective was very helpful as she was previously a member of the prosecutorial team that handled the federal criminal cases against East Haven officers.
- The JCE introduced the EHPD to representatives of the Office of Justice Programs Diagnostic Center. The Center has committed to assisting the EHPD in support of its rebuilding efforts. The EHPD is requesting assistance with identifying best practices and potential funding for the effective implementation of body cameras. The EHPD is also seeking assistance from the Center in implementing problem-oriented policing as part of its community-oriented policing framework, and in leveraging data to inform deployment of resources to meet its community policing goals.

The JCE continues to maintain strong lines of communication with all parties through the following means:

- Bi-weekly conference calls with all parties, including EHPD, counsel for the town, the Department of Justice Civil Rights Division, and the U.S. Attorney's Office. (As of January 1, 2014, conference calls will take place once every three weeks.)
- Regular calls and meetings with the Chief of Police.
- Five meetings with the Mayor of East Haven.
- Regular calls and meetings with counsel representing the town.
- Regular calls and three meetings with Assistant U.S. Attorneys.

- Regular calls to, and one in-person meeting with, representatives of the U.S. Department of Justice Civil Rights Division in Washington, D.C.
- A meeting with the EHPD Union President during which a commitment was made to engage regularly with Union leadership and members.

The parties worked collaboratively with the JCE to request modifications to eleven paragraphs in the Agreement during 2013 which were approved by the Court. The modifications clarified expectations, aligned EHPD's operational needs with the goals of the Agreement, streamlined the review process, and amended paragraphs on use of force to facilitate implementation. The modifications did not alter the fundamental purpose of the Agreement. The JCE commends all parties for a cooperative and practical problem solving approach. There has been little conflict, and when small disagreements have emerged, they have been promptly settled to the satisfaction and collective advantage of all parties. A very positive tone has been struck during year one and the JCE predicts that this productive, collaborative effort will continue.

B. Agreement Milestones

Overall, the JCE has been very impressed by the commitment of Chief of Police Brent Larrabee and his management team, especially Lt. Edward Lennon, who was designated as the Compliance Coordinator for the Agreement. The JCE was pleased to provide a reference for Lt. Lennon in his application to attend an Executive Program at the Kennedy School of Government at Harvard University. In addition to Lt. Lennon, the JCE has worked with many highly qualified and professional EHPD personnel. Many members of the Department have expressed their commitment to change and their eagerness to get beyond the challenges of recent times.

The JCE also appreciates the extraordinary commitment of all Department of Justice representatives; those representing the Civil Rights Division in Washington, DC and those representing the US Attorney's Office in CT. They have been readily available to assist the EHPD and the JCE. Their contributions have been very substantial and helpful.

Mayor Joseph Maturo, Town Legal Counsel and outside counsel contracted by the Town to address the Agreement have been very engaged as well. They have been readily accessible and supportive

throughout the year. The JCE also acknowledges the Mayor's willingness to meet with CRS and his invitation to them to work with other town departments beyond the EHPD.

Feedback and input from the community, including clergy and business leaders, has been particularly helpful and valuable during the first year of implementation. The JCE will continue to interact and consult with members of the East Haven community going forward.

The JCE attributes all success to date to a truly collaborative effort.

Although much progress has been made, the JCE must again note the incident involving certain East Haven police officers that occurred in New Haven on January 17, 2013, approximately one month prior to the selection of the JCE. The facts of the incident, as they appear in the EHPD Internal Affairs report, are troubling and reflect the type of misconduct and poor supervision that originally led to USDOJ intervention in East Haven. The internal affairs investigation has been completed. One of the officers, a police detective, retired during the course of the investigation. All of the discipline has been handed down and one officer is appealing.

While the incident was a serious setback for the EHPD less than a month after the Agreement was executed, the JCE is very satisfied with the response of Chief Larrabee and the Town. A comprehensive internal investigation was conducted. The investigative and disciplinary processes have been transparent. The JCE was briefed regularly by the Chief during the course of investigation.

The JCE notes that the Agreement was very useful in providing guidance to the EHPD in this case. The EHPD used the Agreement as a tool in guiding them through this investigation. As demonstrated by the handling of this case, there is clear evidence that the EHPD is committed to holding its officers accountable for constitutional policing. The JCE will continue to monitor closely any developments related to this case, as well as any future police misconduct or activities that could undermine effective and constitutional policing in East Haven.

The Agreement is divided into seven focus areas. 1) General Policies and Training; 2) Bias-Free Policing; 3) Stops, Searches, and Seizures; 4) Use of Force; 5) Civilian Complaints, Internal Investigations, and

Discipline; 6) Supervision and Management; and 7) Community Engagement and Oversight. Milestones in these seven areas are presented below:

1) General Policies and Training

Policy Manual Development – By the 270 day mark, the EHPD submitted to the JCE and USDOJ 82 policies for comment and review. By the 365 day deadline, the EHPD, JCE and USDOJ reviewed and revised 83 policies, and are in the process of reviewing two additional policies submitted by the EHPD on December 20, 2013. The Code of Conduct Policy #201.1 was rescinded and the Code of Conduct Policy #201.2 was developed and approved, which is why the number of policies increased by one. Currently, 82 policies in the EHPD Policy Manual have been approved by the JCE, USDOJ and East Haven Board of Commissioners. It is anticipated that the two additional policies will be revised and approved in January 2014.

Within 365 days, the EHPD posted new and revised EHPD policies for public review on the EHPD website, unless there was a reasonable officer-safety basis for maintaining a specific policy or procedure confidential or unless an exemption from disclosure was allowed under State or Federal Freedom of Information law or any other applicable law. The JCE has also asked the EHPD to make printed copies of the policy manual available in the police station as well as in the local public library.

Policy Implementation – Although some training occurred prior to final approval of policies, additional training will occur in early 2014, during the months of January and February. Policy training that occurred before the policy manual was completed relied on early drafts of new policies. Refresher and revised training curricula will be developed for future training now that the policy manual is complete. The EHPD has agreed to provide the JCE with a list of attendees by March 1, 2014, their associated job titles and the trainings they attended in early 2014 relevant to the revised policies and procedures.

After all training is completed and all policies become official in accordance with the “effective date” printed on each approved policy, the JCE will commence formal compliance monitoring. Prior to formally tracking the 84 policies, the JCE will work in coordination with the EHPD and USDOJ to develop appropriate metrics to track policy compliance as required in the Agreement.

Recruitment Plan – The EHPD has developed a recruitment plan that includes goals, objectives, and methods for attracting high-quality applicants for employment. Recruitment for the EHPD is managed by the East Haven Civil Service. The JCE will seek additional detail regarding the staffing challenges facing the EHPD and will work with the parties to assess if the Town’s recruitment plan adequately addresses those challenges.

Training completed between December 2012 and September 2013 (per EHPD Training Goals and Objectives report)

1. Initial Training on the Agreement (2-4 hours) - All police department employees attended one training session each. This training was completed in January-February 2013.
2. Internal Affairs Training (40 hours) - This training was completed in two phases. The Internal Affairs Officer (IAO) and some members of the command staff and supervisory staff completed this training in March 2013. The remainder of the command staff, along with all supervisors, and all officers on the current eligibility list for sergeant completed this training in June 2013.
3. Line Supervisor Training (40 hours) - Sergeants and all officers on the current eligibility list for sergeant attended this training in May 2013.
4. Management Training (40 hours) - This training was completed in two phases. The Captain, most Lieutenants and one Sergeant on the current eligibility list for Lieutenant completed this training in June 2013. One Lieutenant completed an executive management course at Harvard’s Kennedy School , in lieu of management training.
5. Harvard Kennedy School (135 hours) – One Lieutenant attended the three-week Executive Education Program in State and Local Government at the Harvard Kennedy School instead of the standard management training listed above. This training was completed in June 2013.
6. Stop, Search, and Arrest Training (8 hours) - All sworn police department employees attended two sessions each. This training was completed in May-June 2013.
7. Bias Free Policing Training (5 hours) - All police department employees attended one session each. This training was completed in May-June 2013.
8. Eyewitness Identification Training (2 hours) - All sworn police department employees attended a two hour session. This training was completed in May-June 2013.
9. Limited English Proficient Training (1 hour) - All police department employees attended one session each. This training was completed in June 2013.

10. Civilian Complaint Intake Training (1 hour) - All police department employees attended one session each. This training was completed in May-June 2013.
11. DOJ Community Relations Service (DOJ CRS) Responding to Allegations of Racial Profiling and Bias Policing Training (8 hours) - All police department employees attended one session each. This training was completed in August 2013.
12. CT POST Mandatory Recertification Training (52.5 hours) – A small number of personnel whose CT POST certification was expiring on June 30, 2013 completed this mandated training in April 2013.

Training completed between September 2013 and December 31, 2013 (per EHPD Training Goals and Objectives report)

1. Semi-Annual Firearms Qualification Training (7-8 hours) - All sworn police department employees attended one training session. The training consists of deadly force training review, firearms safety, and firearms qualification. This training meets all required regulations as set forth by CT POST.
2. Use of Force Training (16 hours) – All sworn police department employees attended classroom and physical training on the following topics:
 - Electronic Control Weapon (Taser©)
 - Baton
 - Oleoresin Capsaicin (OC) Pepper Foam/Spray
 - Handcuffing and Control Tactics
 - Officer Safety
 - Diffusion Techniques to Avoid Physical Encounters
3. Tactical Firearms Training (7-8 hours) – All sworn police department employees attended one training session. The training consists of both classroom and hands-on training addressing shoot/don't shoot situations, low light/tactical/active shooter situations, and simunitions training.
4. CT POST Mandated and Agreement Specified Training (20 hours) – All sworn police department employees attended classroom training on the following listed topics. These classes fulfill part of

each officer's required CT POST triennial re-certification requirements and also address some of the updated training standards set forth in the Agreement.

- a. Use of Force (Legal)
- b. Domestic/Family Violence
- c. Rape/Crisis (Sexual Violence)
- d. Juvenile Law Update
- e. Missing Persons
- f. First Responders in Child Sex Abuse Cases
- g. Stress Management

By the 365 day mark, the EHPD addressed Agreement training requirements in paragraphs 24, 25, 26, 27, 28, 29, 30, 31, 33, 41, 78, 79, 82, 90, 94, 97, 112, 117, 123, 125, 126, 133, 166, 170, 181, 186, 189, 190, 196, 198, and 209.

Moreover, at the completion of the first year of training, all police department employees have exceeded the minimum hourly standards of training as set forth by the Agreement. The Agreement required that all sworn police department employees receive at a minimum 32 hours of training plus firearms training. In addition, the Agreement requires that all sworn police department supervisory employees receive 40 hours of supervisor related training. Since the EHPD had to establish baseline training, particularly in the areas related to use of force and defensive tactics, the 32 hour minimum required was significantly exceeded.

The JCE commends the EHPD for exceeding hourly requirements of training in a number of areas in the Agreement, as well as for their stated intention to exceed all future training requirements, while also meeting the police officer re-certification requirements set forth by the CT POST Council. During the first 365 days, each sworn employee received between 60-100 hours of training (depending on assignments) to comply with all of the requirements of the Agreement and also to maintain CT POST certification.

Personnel that were/are on long term leave or injury leave will make up any of trainings missed in 2013 when they return to full duty.

Although some of the use of force training occurred before the policies were completed, the EHPD incorporated aspects of the emerging policies into their training. Since the policy manual is now complete, the EHPD will review and expand use of force training in early 2014.

At times, the JCE found it challenging to review curricula and training materials provided in different formats and containing inconsistent levels of detail. The JCE has worked and will continue to work with the EHPD Compliance Coordinator to develop a more efficient tracking system or matrix to ensure that future curricula, related training materials, training dates and attendance are presented and tracked in an organized manner. It will be particularly important to document the training that preceded the implementation of the 82 new policies and procedures.

2) Bias-Free Policing

Language Access Plan and Language Assistance Coordinator – As required in paragraph 42 of the Agreement, the EHPD has established a Language Assistance Plan (LAP) and appointed a Language Access Coordinator, Lt. David Emerman. Lt. Emerman is fluent in Spanish. The JCE has observed his interaction with members of the East Haven Latino community in different settings and it is clear that he has established some solid lines of communication. The JCE will work with the parties in the coming weeks to agree on specific metrics that will allow objective assessment of the Language Access Plan going forward.

3) Stops, Searches and Seizures

Please see additional milestones referenced in the training section above on pages 9-12.

Stop, Search, and Arrest Data – In its letter to Mayor Maturo of December 19, 2011 (page 7), outlining its investigative findings concerning the EHPD, the Department of Justice cited an excessive number of traffic stops by the EHPD of Latino drivers, a rate of 19.9 percent of all stops, significantly higher than the estimated percentage of Latino drivers in East Haven and surrounding towns, which was approximated at 15.5 percent. It was also estimated that in East Haven proper, the percentage of Latino drivers was 8.3 percent.

The Agreement requires that the EHPD provide data on stops, searches and arrests within 270 days of the agreement date, including types of arrests and arrest data broken down by geographic area and

demographic group, as well as the proportion of stops to arrests. Some data of this type was provided to the JCE for the period December 21, 2012 to June 21, 2013:

There were 909 traffic stops in the six-month period, with 95.3 percent of stops resulting in some form of police intervention, although the majority of these interventions (558) were either vocal or written warnings. There were five arrests resulting from these stops, or a little more than one half of one percent of the total. The five arrests were executed by five different officers. Misdemeanor summonses resulted from nine percent of the stops, and infraction tickets from 26 percent. Twenty-nine stops, or 3.3 percent of total stops, resulted from officer suspicion of criminal activity. The vast majority of stops, 771 or 78 percent of stops, were related to motor vehicle violations, and 36 other stops were attributed to equipment violations. Eighteen vehicles were searched, or slightly less than two percent of the total. The racial, ethnic, and gender characteristics of the drivers stopped were as follows:

- 16.5 percent were minorities.
- 5.8 percent were Black.
- 8.9 percent were Latino.
- 82.2 percent were non-Latino whites.
- 38.6 percent were women.

This report at the 270 day mark represented a marked improvement from the situation in 2011. The percentage of Latino drivers stopped (8.9 percent) is no longer significantly larger than the estimated percentage of Latino drivers (8.3 percent) in East Haven proper and significantly smaller than the estimated percentage of Latino drivers (15.5 percent) in East Haven and surrounding towns. The total number of Latino drivers stopped in the sixth-month period was 83. In addition, whereas a single officer was cited in the 2011 letter as having a stop rate of Latino drivers of 40.5 percent, the current data shows that six officers, of the 38 evaluated, have stopped six or more Latino drivers in the six-month period. Thirty-two officers have stopped fewer than six, or less than one Latino driver per month. No officer, among the six officers who have stopped six or more Latino drivers, has a Latino-driver stop rate higher than 19 percent, four officers in this group have Latino-driver stop rates higher than 15 percent, and five officers in this group have Latino-driver stop rates higher than 10 percent. The most active

traffic-stop officer, with 112 stops in the six-month period, stopped nine Latino drivers, or a Latino-driver stop rate of eight percent.

Additional data representing the 365 day mark, was sent to the JCE on January 13, 2014. The JCE and USDOJ are in the process of reviewing the data and EHPD report. Unfortunately, however, the EHPD installed a new computer program on October 1, 2013 that is linked to the EHPD Computer Aided Dispatch System to automatically collect and categorize stop, search and arrest data (Based upon CT Public Act 12-74 - <http://www.ctrp3.com/>). The EHPD has experienced difficulty with the new system as it is recording some data incorrectly. Upon initial review, the JCE finds that the traffic stops from July 2013 through December 2013 are in-line with the racial and ethnic make-up of East Haven's driving population and overall population as measured by the 2010 U.S. Census. However, as noted by EHPD in their report, there are data categorization issues that need to be addressed. The JCE may request additional information and revisions of the July-December 2013 Stop and Search Data report. The JCE will discuss the report with the parties during a phone conference on January 31, 2014.

4) Use of Force

Please see milestones referenced in the training section above on pages 9-12.

Use of Force compliance reporting will begin after new use of force polices training and implementation are completed in early 2014. Details relative to use of force requirements are presented in the Agreement paragraphs 79 through 126.

5) Civilian Complaints, Internal Investigations and Discipline

The Civilian Complaint System and the Early Identification System (EIS) under Agreement paragraph 129 have been developed and implemented. The EIS is a system for receiving complaints. The EHPD has conducted complaint intake and policy training for all personnel, and is publicizing the complaint process. Initial results will be available in early 2014.

The JCE notes one incident reported to the US Attorney's Office by a woman who was the target of a fraud scheme with respect to her bank account/credit card. The woman claimed EHPD was unresponsive when she tried to file a report with respect to the incident. The woman also became frustrated with the civilian complaint process when she had difficulty navigating the on-line complaint system which was

not functioning properly to accept complaints via the internet. An Assistant US Attorney (USAO) aided the woman in finding the on-line complaint form and advised her to hand-deliver the completed complaint to the EHPD. The USAO also notified the JCE of the problem with the civil complaint process. The JCE brought the issue to the attention of the Police Chief and it was addressed immediately. It was determined that the on-line link to the civilian complaint system was in the process of being upgraded. That upgrade has now been completed and is functioning properly. The Chief also took a personal interest in resolving the woman's concerns about the treatment she received at the station. In the end, the complainant, the Chief, the USAO and the JCE were all satisfied that the issues were addressed properly.

6) Supervision and Management

New policies outlined in the 233 Agreement paragraphs below have been developed detailing updated EHPD supervisory and management processes. Many of these requirements were addressed in the extensive training described above.

7) Community Engagement and Oversight

The first community meeting required under the Agreement was held on October 15, 2013, 7:00 pm at the East Haven Senior Center. Four members of the EHPD and two Department Chaplains were in attendance.

A second community meeting was held on November 21, 2013, 7:00 pm at the East Haven Firehouse Volunteer Company 3 Hall. The meeting was attended by three EHPD members.

A third community meeting was scheduled for December 17, 2013, 7:00 pm at the East Haven Beach House/Police Substation but had to be postponed until December 26, 2013 due to severe weather.

The community meetings took place on the north and south side of East Haven and were advertised on the EHPD website, Facebook page and in local publications such as in the *East Haven Courier*. Lt. Emerman is developing other strategies for attracting more community members to future meetings. He hopes to schedule meetings farther away from major holidays and anticipates more residents will attend in nicer weather. The JCE looks forward to attending some of the community meetings during the coming year.

The JCE has contracted with a local researcher, Dr. John DeCarlo to develop and implement a community survey (as well as an EHPD survey and a detainee survey). The JCE anticipates the first survey report will be available in early 2014.

The JCE is in receipt of the EHPD 365 day Compliance Report and supporting documents, and would characterize the EHPD report as a thorough and complete response to the EHPD's obligations under the Agreement.

Summary

The JCE concludes that the milestones accomplished in year one are quite remarkable. A solid foundation has been established, particularly with the development of the new Policies and Procedures Manual. All members of the EHPD were provided with extensive training during the first year of the Agreement. During year two, the JCE will monitor and assess compliance with the new policies to determine if the policies, training and other products of the Agreement are leading to the desired outcome of professional, constitutional policing in East Haven.

**II. Compliance Progress Chart for Modified Settlement Agreement
Paragraphs 10 through 233, filed on December 23, 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.

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.

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	Partial Compliance
Discussion	<p>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.</p> <p>This paragraph and paragraphs 11 through 23 relate to the revised EHPD Policies and Procedures Manual. The revised policies and procedures manual was completed and submitted to the East Haven Board of Police Commissioners for their approval and is on the EHPD website. A printed manual has been distributed to all EHPD members. The JCE commends the EHPD for undertaking and completing this substantial task within the Agreement time frame.</p>

Recommendations	<p>The JCE recommends that a printed copy of the manual be made available to the public at the police station and in the Haganan Public Library per Agreement Paragraph 184.</p> <p>To fully implement revised/new policies and procedures, the department must complete the policies and procedures manual training, which EHPD has scheduled in early 2014.</p>
Evidentiary Basis	<p>83 policies were reviewed and one was rescinded. 82 policies have been approved by the JCE, USDOJ and Board of Police Commissioners and comprise the East Haven Police Department Policies and Procedures Manual. There are two policies that still need to be reviewed/revised by the JCE and USDOJ (209.1 Discipline Guidelines and 215.1 Performance Evaluation). Thus, the new policies and procedures manual has 82 approved policies and two soon-to-be approved policies.</p> <p>Of the 83 policies that were reviewed, three were approved on August 27, 2013 and became effective on September 30, 2013. Forty-nine were approved on November 20, 2013 and become effective on February 1, 2014. Thirty-one were approved on December 11, 2013 and become effective on March 1, 2014. (Policy 201.1 Code of Conduct was approved on August 27, 2013 was rescinded and rewritten. Policy 201.2 was approved on December 11, 2013 and is included in the manual.)</p> <p>Two training sessions are scheduled for January and February 2014 with additional roll call and supervisory training occurring simultaneously. A third and fourth training will be added in February 2014 as needed. Seventy-seven policies form the manual are on the EHPD website. There are five policies that were withheld from the public due to confidentiality and officer/public safety reasons.</p>

A. Policy Development, Review and Implementation

<p>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.</p>	
Compliance Rating	Substantial Compliance
Discussion	<p>Agency-wide policies and procedures have been developed, but officer training must be completed. The JCE, UDSOJ and EHPD agreed to consider the policies together as part of a revision of the entire EHPD Policies and Procedures Manual. The first draft of the policies and procedures was developed by the 270 day mark. From the 270 to 365 day mark, the JCE and USDOJ reviewed and made recommendations for revisions. All of the 82 policies and procedures were completed by 365 day mark. Two policies still need final review and Board of Commissioner’s approval. Training is necessary to insure full and effective implementation of the new policies and procedures.</p>
Recommendations	<p>The EHPD must complete all the policies and procedures and training, which EHPD has scheduled in early 2014.</p>

Evidentiary Basis	83 policies were reviewed, revised and approved by JCE, USDOJ and Board of Police Commissioners. One policy was rescinded. 82 policies are in the East Haven Police Department Policies and Procedures Manual. Two policies are still under review by the JCE and USDOJ.
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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	This paragraph is covered in the above status reports on paragraphs 10 and 11. The JCE and USDOJ reviewed and approved 83 policies and procedures. One policy has been rescinded. The final two policies must be reviewed.
Recommendations	Policy review should be completed promptly.
Evidentiary Basis	Following extensive review, 83 policies and procedures were review and approved by the JCE, USDOJ and the Board of Police Commissioners.

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 Joint Compliance Expert and DOJ. DOJ and the Joint Compliance Expert 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.	
Compliance Rating	Partial Compliance
Discussion	EHPD shall review each policy and procedure 180 days after it is implemented, and annually thereafter. Within 60 days of that review EHPD shall review policies and procedures upon notice of a policy deficiency. Training and policy implementation will not take place until early 2014. The 180 day mark will be determined after all training is completed.
Recommendations	The EHPD should complete training as early as possible in 2014. The EHPD shall present a date that all training will be completed so that the 180 day and 60 day marks can be determined and agreed by the JCE and parties.
Evidentiary Basis	The EHPD Policies and Procedures Manual and EHPD proposed January and February 2014 training schedule.

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:	
<ul style="list-style-type: none"> 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.

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 Agreement paragraph will be tracked by the JCE in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 201.2 and 208.1

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures to address this Agreement paragraph will be tracked by the JCE in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 201.2 and 214.1

17. EHPD shall submit all new and revised policies, procedures, or manuals related to this Agreement to the Joint Compliance Expert and DOJ for review and comment prior to publication and implementation within 270 days of the Effective Date. If the Joint Compliance Expert or DOJ 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 Joint Compliance Expert nor DOJ object to the new or revised policy, procedure, or manual, EHPD agrees to implement it within 30 days of it being provided to DOJ and the Joint Compliance Expert.	
Compliance Rating	Substantial Compliance
Discussion	This requirement was substantially completed by September 17, 2013. The JCE and USDOJ worked with EHPD to make typographical, grammatical and substantive edits to 83 policies that comprised the department's policies and procedures manual by December 21, 2013; Two remaining policies must be reviewed.
Recommendations	None

Evidentiary Basis	EHPD Policies and Procedures Manual on the EHPD website.
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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, DOJ maintains its objection, then the Joint Compliance Expert shall have an additional 15 days to resolve the objection. If either party disagrees with the Joint Compliance Expert's resolution of the objection, either Party may ask the Court to resolve the matter. The Joint Compliance Expert 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 DOJ or the Joint Compliance Expert. In determining whether these factors warrant additional time for review, the Joint Compliance Expert 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 Joint Compliance Expert 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

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

Compliance Rating	Partial Compliance
Discussion	The EHPD implementation of policies and procedures to address this Agreement paragraph will be tracked by the JCE in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	To Be Determined

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.

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
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Discussion	The online requirement was completed by the 12/21/13 deadline.
Recommendations	The JCE also recommends that the community have easy access to review the policies in a neutral location in early 2014, such as at the Haganan Public Library per Agreement Paragraph 184. The EHPD and USDOJ are also researching cost-effective options for Spanish speakers.
Evidentiary Basis	The EHPD Policies and Procedures Manual is available online at on the EHPD website.

22. EHPD shall review and revise its Code of Conduct within 180 days of the Effective Date, and annually thereafter, to:	
<ul style="list-style-type: none"> 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 6/19/13 and will 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 revised EHPD Code of Conduct Policy # 201.2

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 and approved by the JCE and USDOJ. It was included in the new EHPD Policies and Procedures Manual.
Recommendations	Training and subsequent implementation on the new Code of Conduct still need to occur. The JCE recommends this be scheduled in early 2014.
Evidentiary Basis	Policy 201.1 completed JCE approval memo dated 8/23/13 Final redlined version reviewed and approved by USDOJ and JCE on 12/5/13, as noted in emails and at bi-weekly team meeting on 12/6/13.

B. Training on Revised Policies, Procedures and Practices

24. EHPD shall ensure each officer and employee attends a 2 - 4 hour training on the content of this Agreement and the responsibilities of each officer and employee pursuant to it.	
Compliance Rating	Substantial Compliance
Discussion	Within 60 days of the effective date (E.D.); 2/19/13
Recommendations	None
Evidentiary Basis	EHPD provided documentation that this training was provided to all sworn and

	civilian department members by the 60 day mark.
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<p>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</p>	
Compliance Rating	Partial Compliance
Discussion	This is currently ongoing with the completion and issuance of the new EHPD Policies and Procedures Manual December 21, 2013.
Recommendations	By March 1, 2014, EHPD shall provide the JCE and USDOJ with a list of attendees, their associated job titles and the trainings they attended relevant to the revised policies and procedures.
Evidentiary Basis	The JCE and USDOJ will review training materials and the training list with associated attendees.

<p>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 Agreement requires EHPD to develop.</p>	
Compliance Rating	Partial Compliance
Discussion	<p>The EHPD has completed all of the training required by this document. The trainings as required in paragraphs 24, 26, 27, 33, 41, 78, 117b, 125, 126, and 133 have been substantially completed. To set a baseline standard and understanding by all employees, the EHPD exceeded the hourly requirements of most training referenced in the aforementioned paragraphs of the Agreement. During years 2-4, the EHPD plans to meet or exceed all of the requirements of the Agreement, while also meeting the police officer re-certification requirements set forth by the CT POST Council. During the first 365 days, each sworn employee received between 60-100 hours of training (depending upon their respective assignments) to comply with all of the requirements of the Agreement and also to maintain CT POST certification. Each supervisory or potential supervisory employee received an additional 80 hours of training, consistent with their respective ranks and on completing internal affairs investigations. All non-sworn civilian employees received a total of approximately 18 hours of training.</p> <p>Although all training for 2013 has been completed, the JCE has found it challenging</p>

	to track all training as it relates to specific Agreement paragraphs as well as verify all training and training materials. In the EHPD compliance reports it is sometimes difficult to determine if training reports are cumulative or simply cover the period since the last report was due.
Recommendations	The JCE will continue to track training in 2014. The JCE will work with EHPD to develop a matrix or check-list of materials that need to be reviewed and approved by the JCE for future training. An update to the EHPD Training Goals and Objectives report should be made in 2014.
Evidentiary Basis	EHPD Training Goals and Objectives report dated 9/17/13

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	All EHPD supervisors received the required number of hours of training. Specialized training classes were approved for individual officers after the JCE reviewed the curriculum. For example, the EHPD Lt. in charge of the overseeing the Agreement received specialized training at the Kennedy School of Government Senior Executives in State and Local Government three-week training.
Recommendations	For future training, the EHPD should send the JCE and USDOJ 2014 all supervisory, leadership and command accountability training curricula and related materials as outlined in the training matrix identified in paragraph 26 recommendations above.
Evidentiary Basis	Supervisory training curricula were reviewed by the JCE.

28. The supervisory training program shall include instruction in the following topics:	
<ul style="list-style-type: none"> 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.)

29. EHPD shall submit training curricula and lesson plans, revised pursuant to this Agreement, to the Joint Compliance Expert and DOJ for review and comment at least 45 days prior to the scheduled date of training delivery. The Joint Compliance Expert shall provide the Parties with written comments regarding	
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the training. The Joint Compliance Expert 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 Joint Compliance Expert's review of training curricula and lesson plans.	
Compliance Rating	Substantial Compliance
Discussion	This requirement was modified and approved by the court from 90 days. Since there is so much training associated with the first 365 days of the Agreement, all agreed 45 days was a more realistic time frame.
Recommendations	Working with the EHPD, the JCE will request a better tracking sheet be developed for listing and documenting all training sessions and associated curricula review deadlines in 2014.
Evidentiary Basis	Training curricula and/or relevant training materials for the first 365 days were reviewed and approved by the JCE and USDOJ.

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, with the exception of the policies and procedures manual training, was delivered on time within the 365 days of the Agreement Effective Date. A training plan/schedule was also delivered by the 180 day mark.
Recommendations	Working with the EHPD, the JCE will request a better tracking sheet or training matrix be developed for listing and documenting all training sessions and associated curricula and relevant materials and deadlines in 2014.
Evidentiary Basis	EHPD provided documentation that all training was delivered within the 365 day mark and provided a training schedule at the 180 day mark.

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 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, however, additional training on this new policy issued November 2013 will occur in early 2014.
Recommendations	None
Evidentiary Basis	Policy 106.1

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	Partial Compliance
Discussion	This is an introductory paragraph outlining the goals and objectives of the Bias Free Policing 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. Bias- Free Policing

<p>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:</p> <ul style="list-style-type: none"> a) methods and strategies for more effective policing that relies upon non-discriminatory factors; b) police and community perspectives related to discriminatory policing; c) constitutional and other legal requirements related to equal protection and unlawful discrimination, including the requirements of this Agreement; d) the protection of civil rights as a central part of the police mission and as essential to effective policing; e) the existence and impact of arbitrary classifications, stereotyping, and implicit bias; f) instruction in the data collection protocols required by this Agreement; g) identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and h) methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including problem-oriented policing strategies. 	
Compliance Rating	Substantial Compliance
Discussion	This training was provided by the Spector Training Network and taught by Eliot Spector, a highly respected attorney and lecturer. The training included bias-free policing practices and stop, search and arrest procedures. The lesson plans, which reflect the Agreement’s requirements, were approved by the JCE. An officer and a Lt. missed the training and were rescheduled. The Lt., however, was unable to attend the make-up training as well. The Lt. has since documented evidence that he has received this training from other sources (Kennedy School of Gov’t at Harvard University)
Recommendations	None
Evidentiary Basis	Training test results for attendees on file at the EHPD; Discussion with EHPD Compliance Coordinator; Kennedy School of Government classroom materials

B. Ensuring Bias-Free Policing

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:

- 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.
- b) EHPD shall prohibit officer use of proxies for demographic category, including language ability, geographic location, or manner of dress.
- 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.
- d) Data collection, as set forth in Paragraphs 64(c) and 65 of this Agreement.

Compliance Rating	Substantial Compliance
Discussion	This is the bias-free policing policy # 203.1 Bias-Free policing training occurred in 2013 as noted in paragraph 33 prior to the policy being completely approved and implemented.
Recommendations	Additional review training on this policy should be included in the policies and procedures manual training in early 2014.
Evidentiary Basis	Policy 203.1 in the EHPD Policies and Procedures Manual.

35. EHPD shall conduct quarterly analysis, as well as analysis on a cumulative basis, consistent with the methodology employed by the Joint Compliance Expert, of its traffic enforcement activities to ensure officer, squad, and Department compliance with the bias-free policy.

Compliance Rating	Partial Compliance
Discussion	This requirement was first completed at the 180 mark, however, subsequent reports have been delayed due to a software problem with a new CAD-based program that automatically tracks and analyzes these data.
Recommendations	Submit quarterly reports to be received by the JCE and USDOJ by the last day of the calendar year quarter March 31, June 30, September 30 and December 31. Data problems in the two reports that have been submitted to date must be resolved.
Evidentiary Basis	First report submitted at the 180 mark. Second report submitted on January 13, 2014.

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 will be completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 304.1

37. EHPD shall refer any complaint plausibly implicating the bias-free policy to the IAO and to the Joint Compliance Expert. 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	Partial Compliance
Discussion	The East Haven Police Department experienced a significant setback resulting from an incident that occurred in New Haven on January 17, 2013, less than one month after the execution of the Agreement. The facts of the case were very troubling, as they related directly to conduct referenced in this paragraph. The JCE is satisfied with the response of Chief Larrabee and the internal affairs investigation. All discipline been handed down and one officer is appealing. The JCE will continue to monitor developments related to this case.
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.

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	Partial Compliance
Discussion	This requirement was completed by the 180 day mark.
Recommendations	JCE will work with parties to develop metrics
Evidentiary Basis	To Be Determined

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:	
<ul style="list-style-type: none"> 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; The plan is described in detail in Policy and Procedure 301.1, 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 limited English proficiency (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. A Language Assistance Coordinator, Lieutenant David Emerman, has been appointed. Lt. 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 301.1

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
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Discussion	This requirement was completed by the 180 day mark.
Recommendations	Provide the JCE with a list of community organizations who have received the plan.
Evidentiary Basis	Language Assistance Plan Policy 301.1

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	Substantial Compliance
Discussion	This requirement was completed by the 180 day mark.
Recommendations	None
Evidentiary Basis	Language Assistance Plan and Training Report.

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

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	Partial Compliance
Discussion	According to EHPD, this requirement was completed by the 60 day mark.
Recommendations	JCE will work with parties to agree metrics
Evidentiary Basis	To Be Determined

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	Partial Compliance
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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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, searches and arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and

	measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and

	measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Agreement.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	
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incident for administrative or criminal investigation.	
Compliance Rating	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed.
Recommendations	None
Evidentiary Basis	Policy 412.1 and 413.1 and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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;
- c) A requirement that all stops, searches, and seizures be documented in an Incident Report that records:
 - i. the officer's name and badge number;
 - ii. date, time, and location of the stop;

	<ul style="list-style-type: none"> iii. duration of the stop; iv. the apparent race, color or ethnicity of the individual, based on the police officer's reasonable observation and perception; v. the suspected violation that led to the stop; vi. whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence; vii. the post-stop action taken with regard to the violation (including a warning, a citation, an arrest, or a use of force); and 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.
Compliance Rating	Substantial Compliance
Discussion	Policy 409.1 and 420.1 were informed by and completed after training by the Spector Training Network. as required in Paragraph 78 of the Agreement, including instruction in the Fourth Amendment and related law, as well as First Amendment and related law.
Recommendations	None
Evidentiary Basis	Policy 409.1 Motor Vehicle Stops and Policy 420.1 Search and Seizure and other relevant policies addressing arrest procedures in the new EHPD Policies and Procedures Manual.

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	
Compliance Rating	Partial Compliance
Discussion	The JCE reviewed the first stop and search data collection system at the 270 mark. Please see page 12-13, focus area # 3 for discussion on Stop, Searches, and Seizures.
Recommendations	The JCE needs to verify that the new computer system is up and running and review the reports it generates after current computer software problems are fixed. The JCE will review a new report on the system and outcomes after all policy training is completed in early 2014
Evidentiary Basis	The on-site database and EHPD 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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches any were issued December 11, 2013. The JCE will track and

	measure outcomes in 2014 after training is completed.
Recommendations	The JCE in coordination with USDOJ and EHPD will develop a process measuring compliance on this paragraph in early 2014.
Evidentiary Basis	To be determined.

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	Partial Compliance
Discussion	The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches any were issued December 11, 2013. The JCE will track and measure outcomes in 2014 after training is completed
Recommendations	The JCE in coordination with USDOJ and EHPD will develop a process measuring compliance on this paragraph in early 2014.
Evidentiary Basis	To be determined.

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	Partial Compliance
Discussion	A report covering these data for December 2012 through June 2013 was completed. A new computer program to collect and analyze these data was added. The software is having problems causing data to be incorrectly categorized. The EHPD sent the JCE a report covering data July –December 2013, but there are still problems with how data is categorized that the JCE will discuss with EHPD in January 2014.
Recommendations	The JCE will review the protocol and work with EHPD to understand the new computer software.
Evidentiary Basis	Report and discussion with Compliance Coordinator and data reports.

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	Partial Compliance
Discussion	From the EHPD 270 Day REPORT "In compliance with Item #4 (Page 20, Paragraph 69), on September 21, 2013, the EHPD submitted to the DOJ and JCE its first stop analysis report for the time period of January 1, 2013 through June 30, 2013. A second report covering July – December 2013 was submitted, but is not complete as there are still data categorization issues that the JCE will discuss with EHPD in January 2014.

Recommendations	EHPD to deliver a corrected report to the JCE for the period July through December 2013 in February 2014.
Evidentiary Basis	Report #1 and #2 and conversations with EHPD Compliance Coordinator.

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	Partial Compliance
Discussion	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 204.1

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.	
Compliance Rating	Substantial Compliance
Discussion	Policy 204.1 was issued in November and December 2013. All Department members will be trained on this and other policies and procedures in the new EHPD Policy and Procedure Manual in early 2014. The JCE will review compliance after the training is completed.
Recommendations	None
Evidentiary Basis	Policy 204.1

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	Partial Compliance
Discussion	All Department members will be trained on all policies and procedures in the new EHPD Policy and Procedure Manual in early 2014. The JCE will review compliance after the training is completed.
Recommendations	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this Agreement paragraph in the field.
Evidentiary Basis	Policy 204.1

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.	
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Compliance Rating	Substantial Compliance
Discussion	This policy was issued in November 2013 and will be fully implemented after training occurs in early 2014
Recommendations	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Evidentiary Basis	Policy 204.1

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	Partial Compliance
Discussion	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 204.1

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	Partial Compliance
Discussion	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 204.1

76. Officers shall report to their supervisors whenever they believe they have been recorded by a member of the public.	
Compliance Rating	Partial Compliance
Discussion	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 204.1

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	n/a
Discussion	Modified from three hours from the original 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 204.1

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:

- a) address Fourth Amendment and related law; EHPD policies, and requirements in this Agreement regarding searches and seizures;
- b) address First Amendment and related law in the context of the rights of individuals to verbally dispute, observe, and record officer conduct;
- 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;
- d) provide guidance on the facts and circumstances that should be considered in initiating, conducting, terminating, and expanding an investigatory stop or detention;
- e) provide guidance on proper and improper use of pretextual stops.
- f) provide guidance on the level of permissible intrusion when conducting searches, such as “pat-downs” or “frisks”;
- g) provide guidance on the legal requirements for conducting searches, with and 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. The Spector Training Network has provided eight hours of stop, search, and arrest training as required in this 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 review may be presented in early 2014.
Recommendations	This training should be listed in the EHPD training tracking sheet as noted in paragraph 29. The JCE should be notified of any additional review or new training in this area in early 2014.
Evidentiary Basis	Training curricula reviewed by JCE and USDOJ.

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 Rating	Partial 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	None
Evidentiary Basis	n/a

A. Use of Force Principles

80. EHPD uses of force, regardless of the type of force or weapon used, shall abide by the following requirements:

- a) officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to physical force;
- b) physical force shall be de-escalated immediately as resistance decreases;
- 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;
- 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;
- e) officers shall allow individuals time to submit to arrest before physical force is used wherever possible;
- f) officers shall not use neck holds or a strike to the head with a hard object, except where lethal force is authorized;
- 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;
- h) unholstering and pointing a firearm at an individual constitutes a use of force and shall be limited accordingly; and
- 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.

Compliance Rating	Partial Compliance
Discussion	The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	n/a

Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1
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B. General Use of Force Policy

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.	
Compliance Rating	Substantial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues.
Recommendations	None
Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1

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 used the authorized weapon.	
Compliance Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1

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	Partial Compliance
Discussion	Although use of force training was completed in 2013, there are new policies that will require additional training in early 2014. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1

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 Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will also review data via the EIS and EHPD's Annual Use of Force report due in 2014. Since policies were just approved and go into effect in 2014, there is not enough use of force data to analyze yet.
Recommendations	None
Evidentiary Basis	Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.

Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
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Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	The EHPD should train officers on the protocol works re working with fire department paramedics. The JCE will review and discuss this paragraph with the EHPD.
Evidentiary Basis	Policy 406.1 and To Be Determined

96. Officers shall report all ECW discharges, except for training discharges, to their supervisor and the communications command center as soon as possible.	
Compliance Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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.	
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Compliance Rating	Partial Compliance
Discussion	ECW data and analysis shall be included in EHPD's UOF Annual Report. The first annual report will be produced in 2014 after all new policy training is completed and data is collected.
Recommendations	None
Evidentiary Basis	Policy 406.1 and To Be Determined

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Future Use of Force Annual Report

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	All EHPD use of force policies and future Use of Force Annual Report

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph.
Recommendations	None
Evidentiary Basis	All EHPD use of force policies and procedures and tracking processes

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph.
Recommendations	None
Evidentiary Basis	All EHPD use of force policies and procedures and tracking processes

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 Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph.
Recommendations	None
Evidentiary Basis	All EHPD use of force policies and procedures and tracking processes

104. Use of Force Reports shall be maintained centrally by the IAO for tracking and analysis purposes, as required by this Agreement.	
Compliance Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Future use of Force Reports maintained centrally by the IAO

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Use of Force Annual Report

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	To Be Determined

107. The reviewing supervisor shall:

- a) 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;
- b) notify the IAO immediately of the use of force and obtain a use of force tracking number;
- c) 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;
- d) 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;
- e) 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;
- 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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	To Be Determined

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	To Be Determined

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and

	EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Supervisor's Force Review Report

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Supervisor's Force Review Report and review process

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Supervisor's Force Review Report and To Be Determined

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 407.1

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph in the field.
Recommendations	None
Evidentiary Basis	Policy 407.1

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	
Compliance Rating	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph.
Recommendations	None
Evidentiary Basis	To Be Determined

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	Deferred
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective. The JCE will work with the USDOJ and EHPD to determine how to best measure compliance of this paragraph.
Recommendations	None
Evidentiary Basis	To Be Determined

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.	
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Compliance Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	The JCE and USDOJ should receive a copy of the reporting and investigation/review system template in early 2014 for their review/approval.
Evidentiary Basis	Use of Force Reports

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:
 - i. definitions of all relevant terms;
 - ii. clear statements of the mission and authority of the IAO regarding force investigations;
 - 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 Police, including ensuring that administrative investigations are not unnecessarily delayed while a criminal investigation is pending;
 - vii. scene management procedures; and
 - viii. management procedures.

Compliance Rating	Partial Compliance
Discussion	The Internal Affairs Officer (IAO) and some members of the command staff and supervisory staff completed Internal Affairs training in March 2013. The remainder of the command staff, along with all supervisors, and all officers on the current eligibility list for sergeant completed this training in June 2013
Recommendations	The JCE should review the EHPD force investigation procedural manual to ensure it is consistent with new policies and procedures

Evidentiary Basis	Training and EHPD force investigation procedural manual Policy 208.1; All training done.
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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	Partial Compliance
Discussion	Following the January, 2013 incident in New Haven, the Chief consulted with federal officials to determine if there was interest in conducting an independent investigation. At that time, officials indicated they would monitor the results of the EHPD internal investigation. The JCE is satisfied with the quality and thoroughness of the internal investigation.
Recommendations	The JCE and parties should further discuss the language in this provision of the Agreement to ensure it is clearly understood. For instance, is it mandatory or discretionary?
Evidentiary Basis	Chief's briefing of federal government officials

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Use of Force numerical tracking system

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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	To Be Determined

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	Partial Compliance

Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	n/a

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	Deferred
Discussion	Unaware of any relevant incident to date
Recommendations	None
Evidentiary Basis	n/a

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:	
<ul style="list-style-type: none"> 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; 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 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; e) if a weapon was used, documentation that the officer's certification and training for the weapon are current; and f) documentation of any disciplinary and/or non-disciplinary corrective action recommended. 	
Compliance Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Investigation report

H. Review by Chief of Police

124. The Chief of Police shall review all force reviews by supervisors and force investigations by the IAO. The Chief of Police shall:

- 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;
- 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;
- 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;
- 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;
- 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
- f) document his or her findings within 45 days of receiving the force review or investigation.

Compliance Rating	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Interview with Chief of Police

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 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

<p>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;</p> <ul style="list-style-type: none"> 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	All required use of force training was completed in 2013.
Recommendations	The JCE will track use of force training on an annual basis.
Evidentiary Basis	Training report and curricula.

<p>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:</p> <ul style="list-style-type: none"> 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	All required use of force training was completed in the first 365 days. Additionally, New Policy Manual training will take place in early 2014 and will cover use of force policies and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	The JCE will review new training re the policy manual and twice yearly training requirements annually.
Evidentiary Basis	Training schedule and curricula

VIII. CIVILIAN COMPLAINTS, INTERNAL INVESTIGATIONS, AND DISCIPLINE

<p>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</p>

a disciplinary system that is fair and consistent. To achieve these outcomes, EHPD and the Town shall implement the requirements below.	
Compliance Rating	Partial
Discussion	This is an introductory paragraph outlining the goals and objectives of the civilian complaints, internal investigations and discipline 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. 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	Partial Compliance
Discussion	New Policy Manual training will take place in early 2014 and will cover Reporting Misconduct and related issues. The JCE will track compliance after all training is completed and policies become effective.
Recommendations	None
Evidentiary Basis	Training and Deferred processes and outcomes

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	Partial Compliance
Discussion	The Civilian Complaint System and the Early Identification System (EIS): In compliance with this Agreement paragraph, the EHPD has developed a system for receiving complaints, has conducted complaint intake and policy training for all personnel, 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 Haganan Memorial Library. Officers are required to carry civilian complaints forms in EHPD vehicles.
Recommendations	The JCE will review the EIS on-site in East Haven and verify compliance in EHPD vehicles.
Evidentiary Basis	Complaint System on Website and EIS

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	
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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	During the first 365 days, additional edits were proposed by the JCE and USDOJ to the complaint process and implemented by EHPD. The JCE will continue to monitor that complaint forms and related materials are available in hard copy and on the website. The JCE noted a complaint referred by the US Attorney's Office by a woman who required assistance accessing the on-line form and was frustrated from the inability to submit her civilian complaint via the internet. The JCE informed the Chief of the complaint. He immediately and appropriately addressed the situation to the eventual satisfaction of the complainant.
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.

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 re these materials with specific information at specific locations
Evidentiary Basis	Visual inspection

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

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	
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materials and information; and the consequences for failing to take complaints; and strategies for turning complaints into positive police-civilian interactions.	
Compliance Rating	Partial Compliance
Discussion	There was one legitimate civilian complaint about the process during the first year of the Agreement. The JCE is satisfied that the Chief eventually addressed the complaint properly.
Recommendations	The EHPD must underscore the importance of this paragraph and management should closely monitor the complaints process.
Evidentiary Basis	Policy 208.1 and training

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	Partial Compliance
Discussion	The JCE will continue track compliance on this paragraph after all Policy Manual training is completed in early 2014. The complaint referred to in the previous paragraph is also relevant to this requirement.
Recommendations	The EHPD must underscore the importance of this paragraph and management should closely monitor the complaints process.
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1
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:	
<ul style="list-style-type: none"> 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 d) officer; and c) any other violations as determined by the Chief of Police. 	
Compliance Rating	Partial Compliance
Discussion	The JCE will track compliance on this paragraph, including the timeframe, after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	Working with EHPD, the JCE will continue to track compliance on this paragraph after

	all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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 Agreement paragraph, the EHPD Internal Affairs Office (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 after all Policy Manual training is completed in early 2014.
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 208.1

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	Partial Compliance
Discussion	Working with EHPD, the JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	Working with EHPD, the JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will work with USDOJ and EHPD to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Thoroughness of investigation re January 2013 New Haven incident

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	Partial Compliance
Discussion	The JCE will work track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Thoroughness of investigation re January 2013 New Haven incident

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 recordings shall be stored and maintained in a secure location within IAO.	
Compliance Rating	Partial Compliance
Discussion	The JCE will work to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Thoroughness of investigation re January 2013 New Haven incident.

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	Partial Compliance
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Partial Compliance
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Notification following January 2013 New Haven incident; Policy 208.1

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	
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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	Partial Compliance
Discussion	The JCE will work with USDOJ and EHPD to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

152. The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:	
<ul style="list-style-type: none"> a) "Unfounded," where the investigation determines, by a preponderance of the evidence, that the b) 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 d) evidence, whether the alleged misconduct occurred; or e) "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	Partial Compliance
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Deferred
Discussion	The JCE will work with USDOJ and EHPD to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	
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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	Deferred
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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 Rating	Deferred
Discussion	The JCE will work with USDOJ and EHPD to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Deferred
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 208.1

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	Deferred
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	To Be Determined

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;	

<p>b) increases the presumptive discipline based on both an officer’s prior violations of the same or other rules;</p> <p>c) sets out defined mitigating or aggravating factors;</p> <p>d) requires that any departure from the presumptive range of discipline must be justified in writing;</p> <p>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</p> <p>f) provides that EHPD shall consider whether non-disciplinary corrective action also is appropriate in a case where discipline has been imposed.</p>	
Compliance Rating	Partial Compliance
Discussion	Policy 209.1 was completed, but is still being reviewed by the JCE and USDOJ. All parties will work together to measure compliance on this paragraph after all policy training takes place and Policy 209.1 becomes effective in 2014.
Recommendations	None
Evidentiary Basis	Policy 209.1

<p>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.</p>	
Compliance Rating	Partial Compliance
Discussion	The JCE will track compliance on this paragraph after all Policy Manual training is completed in early 2014 and Policy 209.1 is effective.
Recommendations	None
Evidentiary Basis	Policy 209.1

<p>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.</p>	
Compliance Rating	Deferred
Discussion	The JCE will track compliance on this paragraph after policy 209.1 is reviewed and approved and all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 209.1

IX. SUPERVISION AND MANAGEMENT

<p>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.</p>	
Compliance Rating	Partial 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	n/a

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	Partial Compliance
Discussion	Although the JCE has witnessed and learned about effective supervision inside the EHPD during the past nine months, the JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	On-site observations in the EHPD; Discussions about supervisory response to use of force and misconduct cases with Chief Larrabee.

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 215.1

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	To Be Determined

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all Policy Manual training is completed in early 2014.
Recommendations	None
Evidentiary Basis	Investigation related to January 2013 incident in New Haven

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:	
<ul style="list-style-type: none"> a) community engagement and communication with the public; b) use of community-policing and problem-solving strategies; c) civilian commendations and complaints; d) disciplinary actions; e) compliance with policies on usage of sick leave and other leave; f) compliance with policies on secondary employment; g) safety (e.g., POST officer safety standards and vehicle operations); h) training; i) report-writing; and j) decision-making skills. 	
Compliance Rating	Partial Compliance
Discussion	Although policy 215.1 establishes a formal EHPD annual performance system, it has not been approved or implemented. The JCE will continue to track compliance on this paragraph after it is approved and all training on this policy is completed in early 2014.
Recommendations	THE EHPD should finish the approval process for Policy 215.1 and schedule training in early 2014.
Evidentiary Basis	Draft Policy 215.1 submitted to JCE on Dec. 20, 2013.

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after Policy 215.1 is approved and all training on this policy is completed in early 2014.
Recommendations	None
Evidentiary Basis	Draft policy 215.1

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	Partial 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 has started using/implementing the EIS to automatically draw information from the Law Enforcement Administrative System (LEAS), the in house computer reporting system. According to a report by EHPD, the EIS can capture the following fields and thresholds:</p> <ul style="list-style-type: none"> • Any firearm discharge or use. • Taser deployment or use; two within a 60 day period. • Baton or O/C use; two within a 60 day period. • Non- compliant handcuffing. • Physical use of force: three within a 30 day period. • Pursuits; two within a 30 day period. • Officers arrests, including interfering with police, obstructing a police officer, resisting arrest, and assault on a police officer; two within a 60 day period. • Traffic accidents involving EHPD equipment; three within 12 month period. • Civil lawsuits; two within a 12 month period. • Excessive absences; 8 unscheduled occurrences in any 12 month period. <p>The EIS will be monitored by the IAO and bi-weekly by the officer’s supervisor. IAO and supervisors will 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 East Haven Police Department Policies and Procedures # 207.1</p> <p>The JCE will track compliance on the completed EIS after all training for Policy 207.1 is completed in 2014.</p>
Recommendations	None
Evidentiary Basis	Policy 207.1; Supplemental Report on EIS by EHPD Officer James Naccarato and JCE on-site observation.

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	Substantial Compliance
Discussion	In compliance with this Agreement paragraph, the EHPD has begun implementing protocols for designing the data fields for an Early Identification System (EIS) that will capture both historical data and emerging information about all sworn employees, automatically drawing data from the EHPD’s Law Enforcement Administrative System (LEAS). When fully operational, the EIS will provide a single repository of all relevant

	information about each sworn employee, both positive and negative. The system will be 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	Although this paragraph requirement has occurred on time, the JCE wants to visually confirm the EIS operations and fields being used on-site in East Haven in 2014.
Evidentiary Basis	Policy 207.1 and completed EIS

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/departmental 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 assignment, and not solely on the number or percentages of incidents in any category of information recorded in the EIS;
- f) prompt review by EHPD commanders and supervisors of the EIS system records of all officers upon transfer to their supervision or command;
- 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
- h) mechanisms to ensure monitored and secure access to the EIS to ensure the integrity, proper use, and appropriate confidentiality of the data.

Compliance Rating	Substantial Compliance
Discussion	In compliance with this Agreement paragraph, the EHPD has begun implementing protocols for designing the data fields for an Early Identification System (EIS) that will capture both historical data and emerging information about all sworn employees, automatically drawing data from the EHPD's Law Enforcement Administrative System (LEAS). When fully operational, the EIS will provide a single repository of all relevant information about each sworn employee, both positive and negative. The system will be 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	The JCE will review the completed system on-site.
Evidentiary Basis	Policy 207.1, completed EIS and JCE on-site observation.

<p>171. The EIS shall include all relevant information available to EHPD to assess the conduct of each officer, including:</p> <ul style="list-style-type: none"> a) all awards and commendations received by employees; b) investigations of the officer; c) complaints (including civil lawsuits) against the officer and their dispositions; d) data collected regarding the officer's stops, search and seizures and uses of force; e) data about officer's arrests, including arrests for interfering with a police officer, resisting arrest, assault on a police officer, and disorderly conduct; f) training history; g) supervisory reviews; h) all vehicle pursuits and traffic collisions involving EHPD equipment; 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 j) any disciplinary or other corrective action taken against the officer. 	
Compliance Rating	Partial Compliance
Discussion	According to Professional Standards Officer Naccarato's report, the EIS includes some of information required by this Agreement paragraph. Other information required in this paragraph is included in Policy 207.1. Tracking compliance for this paragraph is a bit confusing as the information is presented in two different places.
Recommendations	The JCE will review and assess the EIS in its entirety in early 2014 to determine if it meets all requirements of this Agreement paragraph. The JCE will reassess Policy 207.1 to determine if it need to include the language from this paragraph as well.
Evidentiary Basis	Officer Naccarato's 365 day supplemental report and Policy 207.1

<p>172. The EIS shall include appropriate identifying information for each involved officer (i.e., name, badge number, shift and supervisor) and civilian.</p>	
Compliance Rating	Partial Compliance
Discussion	The JCE has not reviewed the EIS in it's entirely.
Recommendations	The JCE will review and assess the EIS in early 2014 to determine if it meets the requirements of this Agreement paragraph.
Evidentiary Basis	Policy 207.1, Lt. Lennon's 365 day report and Officer Naccarato's 365 day supplemental report

<p>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.</p>	
Compliance Rating	Partial Compliance

Discussion	The JCE has not reviewed the EIS in it's entirely.
Recommendations	The JCE will review and assess the EIS in early 2014 to determine if it meets the requirements of this Agreement paragraph.
Evidentiary Basis	Policy 207.1, Lt. Lennon's 365 day report and Officer Naccarato's 365 day supplemental report.

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 possible, to identify patterns of conduct by employees or groups of officers.	
Compliance Rating	Partial Compliance
Discussion	According to the EHPD 365 day report on December 20, 2013, the EIS system that was custom built for the EHPD by our CAD/RMS vendor is operational. However, the JCE has not reviewed the system in its entirety.
Recommendations	The JCE will review and assess the EIS in early 2014 on-site to determine if it meets the requirements of this Agreement paragraph.
Evidentiary Basis	Policy 207.1, Lt. Lennon's 365 day report; Officer Naccarato's 365 day supplemental report and JCE on-site review.

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	Partial Compliance
Discussion	The JCE will continue to track compliance on this paragraph after all training on this policy is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 401.1

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"> 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; b) activation of ECW cameras when the ECW is unholstered; c) activation of in-car cameras for incidents in which a prisoner being transported is violent or resistant; 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 force, vehicle pursuits, or misconduct complaints; 	

<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. The JCE will continue to track compliance on this paragraph after all training on the policy manual is completed in early 2014.
Recommendations	None
Evidentiary Basis	Policy 401.1

<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	Partial Compliance
Discussion	In compliance with this paragraph, Officer James Naccarato formulated a schedule to test all items specified. Subsequently, a memo was issued by Deputy Chief John Mannion advising all sworn personnel of the testing schedule. The testing schedule for each technology was to have been integrated into each policy. The JCE has asked the EHPD Compliance Coordinator for a copy of the testing schedule in the policy or memo.
Recommendations	EHPD provide copy of Deputy Chief Mannion’s report and testing schedule.
Evidentiary Basis	Policy 401.1

<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 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.
Recommendations	The JCE will continue to monitor the use of the iPhones to record complainant and witness statements per Policy 401.1.
Evidentiary Basis	Policy 401.1

X. COMMUNITY ENGAGEMENT AND OVERSIGHT

<p>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</p>	
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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	Partial 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	Partial 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

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 was been selected as both the language access coordinator and the community liaison officer. Sergeant Emerman is bi-lingual and fluently speaks English and Spanish. Sergeant Emerman from his educational and life experiences is very cultured in fostering good community relationships with various community groups, especially the local Latino community.
Recommendations	None
Evidentiary Basis	THE EHPD 90 day Compliance Report; Meetings with Lt. Emerman

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:

- a) The Community Liaison Officer shall arrange for a monthly meeting of East Haven residents designed to permit residents to voice their concerns and ask questions. The meeting shall be conducted as follows:

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 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 every other month.

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	Partial Compliance
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Discussion	<p>This paragraph was modified from the original Agreement to clarify where meeting should be held in town to make the meetings more convenient to residents throughout the town.</p> <p>The first EHPD community meeting was held on October 15, 2013, 7:00 pm at the East Haven Senior Center located at 91 Taylor Avenue. In attendance were Lt. Emerman, Lt. Lennon, Sgt. Murgo, and Officer Michalowski, who was on patrol in the center district. Two of our Department Chaplains were also in attendance.</p> <p>The second community meeting was held on November 21, 2013, 7:00 pm at the East Haven Firehouse Volunteer Company 3's hall located at 1420 North High Street. The meeting was attended by Lt. Emerman, Lt. Lennon, and Officer Klarman who was on patrol in the Foxon area of town.</p> <p>The third community meeting was scheduled for December 17, 2013, 7:00 pm at the East Haven Beach House/Police Substation. However, due to severe weather, the meeting was postponed to December 26, 2013 to be held at the same location and time.</p> <p>As required, meetings have alternated between the North and South sides of town.</p> <p>According to EHPD participants, the attendees seem pleased that their voices and concerns are being heard directly by Department personnel. Topics of interest and</p>
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	concerns of the residents have been discussed at the meetings, and the attendees have gained a better knowledge of how the Department operates. Command staff, supervisors, the community liaison and patrol officers have been present to provide meaningful responses to the questions posed to them by the community. The JCE will continue to monitor compliance with this paragraph.
Recommendations	None
Evidentiary Basis	365 day supplemental report and JCE on-site meetings and interviews

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	Partial Compliance
Discussion	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 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 unsworn 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 required 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 is in the process of adopting a recruitment plan. Pursuant to the plan, the EHPD will also actively advertise its upcoming recruiting using various media sources. All advertisements will be in both English and Spanish. Some of the locations for advertisement will be: <ul style="list-style-type: none"> • All local newspapers (both English and Spanish) • Postings on EHPD and town website • Multiple and frequent announcements on the EHPD's Facebook® and Twitter® Pages • Online media advertisements on local news sources such as the East Haven Patch
Recommendations	The JCE will continue to monitor EHPD recruitment efforts per this paragraph.
Evidentiary Basis	The EHPD 90 Day Compliance Report and phone conferences with Chief Larrabee

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	Partial Compliance

Discussion	Although the major compliance reports marking 60, 90, 280, 270 and 365 day after the Agreement effective date are posted on the websites, the JCE will review additional materials related to EHPD policies and procedures and may make additional recommendations for adding materials.
Recommendations	The JCE will work with Lt. Lennon to identify additional materials for posting on the public website at the Police Department, Town Hall and Haganan Public Library.
Evidentiary Basis	East Haven PD Website and JCE on-site observations.

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	Deferred
Discussion	The JCE will work with USDOJ and EHPD to track compliance on this paragraph after all training on the new Policy Manual is completed in early 2014.
Recommendations	Metrics to illustrate compliance with this paragraph will need to be developed
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Kathleen M. O’Toole was selected as JCE in February 2013 and is in the process of assessing and reporting on the requirements of the 233 paragraphs that comprise this Agreement. The JCE will track specific policies and procedures after the new Policy Manual training is completed and those policies are implemented beginning in early 2014.
Recommendations	None
Evidentiary Basis	JCE written reports, bi-weekly USDOJ and EHPD phone conference updates and interviews with members of the East Haven community and 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.	
Compliance Rating	n/a
Discussion	The JCE clearly understands her role. She has worked to earn trust and promote a collaborative approach among the parties. She recognizes the importance of holding the EHPD accountable for meeting its obligations under the Agreement, but has

	attempted to do so in a supportive, reassuring manner.
Recommendations	None
Evidentiary Basis	JCE written reports, bi-weekly USDOJ and EHPD phone conference updates and regular informal phone conversations. Collaborative meetings and interviews with the Mayor, his staff, the Police Chief, members of the EHPD and the community.

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.	
Compliance Rating	n/a
Discussion	Overview Paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	The JCE is in the process of developing metrics for which to assess compliance as the new EHPD Policy Manual has been completed and training and formal implementation of 82+ new policies will begin in early 2014.
Recommendations	None
Evidentiary Basis	EHPD Policy Manual December 2013.

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:	
<ul style="list-style-type: none"> a) Bias-Free Policing and Community Engagement measurements, including: <ul style="list-style-type: none"> 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
- v. Number of officers who frequently or repeatedly use force, or have more than one instance of force found to violate policy.

d) Recruitment and Training measurements, including:

- i. Number of highly-qualified recruit candidates that have a demonstrated ability to serve diverse communities;
- ii. Number of candidates with Spanish language fluency;
- iii. Officer and agency reports of adequacy of training in type and frequency; and
- iv. Role of lack of training reflected in problematic incidents or by performance trends.

e) Supervision measurements, including:

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

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;
- ii. Rate of sustained, not sustained, exonerated and unfounded misconduct complaints;
- iii. Number and rate of misconduct complaints in which the finding for each allegation is supported by a preponderance of the evidence;
- iv. Number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints.
- 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;
- vi. Arrests/Summons of officers for on or off duty conduct; and
- vii. Criminal prosecutions of officers for on or off duty conduct.

Compliance Rating	n/a
Discussion	The JCE has collected some initial outcome data, but will collect the vast majority of outcome data starting in 2014 as new EHPD Policies and Procedures Manual was just completed in December 2013. After training and formal implementation of policies, in early 2014, the JCE will work in collaboration with USDOJ and EHPD to develop metrics to measure the outcomes listed throughout the Agreement and in this paragraph.
Recommendations	None
Evidentiary Basis	On-site and off-site interviews and meetings with the community, EHPD and town officials, EHPH Policy Manual and data provided to the JCE by EHPD.

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	Partial Compliance
Discussion	Researcher Dr. John DeCarlo, formerly of New Haven University and now of John Jay College, has been retained to develop, analyze and report back to the JCE, USDOJ and EHPD on a community survey, EHPD survey and detainee survey. Dr. DeCarlo is the process of conducting the first set of surveys to gather baseline data prior to the full implementation of the policy manual. A second round of survey will be administered in approximately one year to compare with baseline data. The JCE has developed complementary materials for the EHPD survey to encourage officers to take it. The JCE and USDOJ is working with EHPD to encourage the community to take their survey as the initial community response has not been adequate.
Recommendations	Additional materials form the JCE to encourage the community to take the survey on-line or via paper submission may be needed. (i.e. the community survey will need to be promoted more in the community so that the sample size is adequate .)
Evidentiary Basis	EHPD Community Survey, EHPD Survey and the Detainee Survey instruments

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.	
Compliance Rating	n/a
Discussion	The JCE Plan was submitted to USDOJ and EHPD in July 2013
Recommendations	The JCE will revise the plan schedule as needed.
Evidentiary Basis	The JCE Plan

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.	
Compliance Rating	n/a
Discussion	The JCE Plan was submitted to USDOJ and EHPD in July 2013. Additional details re the metrics to be used to measure compliance for the policies and procedures in the new EHPD Policy Manual will be forthcoming in early 2014.
Recommendations	None
Evidentiary Basis	The JCE Plan

194. At least 90 days prior to the initiation of any outcome measure assessment or compliance review or audit, the Joint Compliance Expert 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.	
Compliance Rating	n/a
Discussion	The proposed methodology was presented in the JCE Plan in July 2013 and approved by the Parties. However, additional details re metrics will be discussed with USDOJ and EHPD in early 2014 after the training on the new EHPD Policy Manual is completed.
Recommendations	The JCE will work collaboratively with USDOJ and EHPD to develop metrics re tracking compliance for the Agreement requirements after policy manual training and policy implementation is completed in early 2014.
Evidentiary Basis	JCE Plan

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	n/a
Discussion	Pursuant to this paragraph, when the disciplinary process related to the January 2013 incident in New Haven has been completed, the JCE expects that the Chief of Police will forward a report outlining the facts, findings and dispositions of the case.
Recommendations	Chief to forward report to JCE following completion of discipline.
Evidentiary Basis	Chief has provided regular briefings on case to date.

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.	
Compliance Rating	n/a
Discussion	The JCE in collaboration with USDOJ and EHPD have developed some modifications to the Agreement which were approved by the Court in December 2013. The JCE team has also provided and will continue to provide EHPD with technical assistance related to securing additional grant funding to support some of the Agreement requirements
Recommendations	None
Evidentiary Basis	Modified Agreement and BJA Diagnostic Center materials

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	
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modify the Agreement accordingly. This provision in no way diminishes the Parties' ability to stipulate to modifications to this Agreement as set out below.

Compliance Rating	n/a
Discussion	Will occur at the two-year mark
Recommendations	None
Evidentiary Basis	n/a

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.

Compliance Rating	n/a
Discussion	The JCE submitted a timely 180 day report which was subsequently filed by the parties.. The JCE now respectfully submits this first annual report to be reviewed by the parties and then filed by them with the Court.
Recommendations	The parties review the report and subsequently file it with the Court.
Evidentiary Basis	JCE 2 nd Semi-annual Report

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.

Compliance Rating	n/a
Discussion	The JCE has provided copies of semi-annual reports in the required timeframe.
Recommendations	None
Evidentiary Basis	The JCE provided the 180 day report draft on July 12, 2013 and the 365 day report

	draft on January 13, 2014; The final 180 day report was due on July 22, 2013 but completed on July 19, 2013 by the JCE. The report was filed by the parties as the JCE has no authority to file reports with the Court. The 365 day report is due to be filed by the parties on January 24, 2014.
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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.	
Compliance Rating	n/a
Discussion	The JCE continues to hold regular phone conference update meetings with USDOJ and EHPD parties. In year one, these phone meetings occurred every two weeks. In year two, these phone meetings will take place every three weeks. Between these meetings, the JCE remains in contact touch with all parties in person and via telephone and email.
Recommendations	None
Evidentiary Basis	Phone Meeting Agendas, Scheduled Visits and Meetings to East Haven

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

201. 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.	
Compliance Rating	n/a
Discussion	The JCE maintains strong lines of communication with all Parties.
Recommendations	Continuation of scheduled conference calls. Continuation of formal and informal calls with individual parties. Regular meetings in East Haven in 2014, with primary focus on monitoring implementation of new policies and procedures.
Evidentiary Basis	Scheduled group calls, individual calls and scheduled meetings

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.	
Compliance Rating	n/a
Discussion	To date, the JCE has not been required to testify before the Court with jurisdiction over this matter. The JCE has not testified in any other litigation or proceeding regarding this Agreement.
Recommendations	The JCE will continue to follow the requirements of this paragraph.
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	The JCE has not undertaken any professional or personal activities that would present a conflict of interest
Recommendations	The JCE will continue to follow the requirements of this paragraph.
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Overview Paragraph (not a requirement)
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Overview Paragraph (not a requirement)
Recommendations	NONE
Evidentiary Basis	n/a

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	Lt. Lennon has been and continues to be an exceptionally hard working and effective compliance coordinator for the EHPD.
Recommendations	Lt. Lennon should be commended for his efforts.
Evidentiary Basis	This compliance report

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	n/a
Discussion	The Town has collected, maintained and continues to share needed records and data with the JCE and USDOJ. Additional data and records will be required after the Policy Manual is fully implemented in early 2014 and the JCE tracks new outcomes.
Recommendations	None
Evidentiary Basis	Data provided to JCE and USDOJ

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.	
Compliance Rating	n/a
Discussion	The Town has provided the JCE with timely status reports at 60, 90, 180 and 365 day marks
Recommendations	Additional materials to supplement the reports may be requested for each JCE semi-annual report.
Evidentiary Basis	Summary reports on EHPD website

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.	
Compliance Rating	n/a
Discussion	The JCE has conducted numerous on-site visits and assessments. As this has been an effective, collaborative process, to date the JCE has always given prior notice. The Chief has provided timely notification of all significant incidents.
Recommendations	Continue strong lines of communication
Evidentiary Basis	Regularly scheduled and unscheduled conversations and scheduled visits

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	
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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.	
Compliance Rating	n/a
Discussion	The Town has ensured complete and open access to the JCE throughout the Agreement process. In addition to the Chief and police personnel, Mayor Maturo has been readily accessible and has met formally on four occasions with the JCE.
Recommendations	Continue strong lines of communications and regular meetings.
Evidentiary Basis	Meetings with Town officials, EHPD and community members

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.	
Compliance Rating	n/a
Discussion	The Town has readily provided all documents requested by the JCE in this highly collaborative process.
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	USDOJ has had full and direct access to the Town and needed documents throughout this collaborative process
Recommendations	None
Evidentiary Basis	Ride-alongs and meetings in East Haven; Documents shared with USDOJ and JCE

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.	
Compliance Rating	n/a
Discussion	The Town has provide the JCE and USDOJ copies as needed. Some of the training materials have been difficult and costly to copy and send. The parties have worked together to find alternative and more cost-effective means to share materials for

	review.
Recommendations	The JCE and USDOJ have requested both electronic and hard copies of the new EHPD Policy Manual; The JCE and USDOJ would also like to have copies of future training curricula, however, strategies for EHPD to provide this information in a timely and cost-effective manner need to be developed.
Evidentiary Basis	Training curricula materials and final Policy Manual after printed in early 2014.

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	n/a
Discussion	The JCE will review documents related to the January 2013 incident in New Haven following completion of the disciplinary process.
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	The JCE is complying with this paragraph.
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	This was completed with the hiring of Kathleen M. O'Toole on February 19, 2013
Recommendations	None
Evidentiary Basis	JCE contract

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	
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Court shall select a Joint Compliance Expert from among the qualified candidates/candidate groups.	
Compliance Rating	n/a
Discussion	n/a agreement was reached
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	To date, the JCE has not required permanent office space or other formal support, but will ask the Town for this support in the future if needed.
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Has not occurred

Recommendations	None
Evidentiary Basis	n/a

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

222. This Agreement shall become effective upon entry by the Court.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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 nor the necessity for Agreement terms.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
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Compliance Rating	n/a
Discussion	To date, this has not occurred.
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	To date, this has not occurred.
Recommendations	None
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Two Modifications to the Agreement were made with the consent of all Parties and filed with the Court on July 17 and December 3, 2013.
Recommendations	None
Evidentiary Basis	The modified Agreement

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.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	Overview paragraph (not a requirement)
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	To date, this has not occurred.

Recommendations	None
Evidentiary Basis	n/a

231. The Town shall require compliance with this Agreement by its respective officers, employees, agencies, assigns, or successors.	
Compliance Rating	n/a
Discussion	The Town has supported this requirement
Recommendations	The JCE will continue to monitor this paragraph
Evidentiary Basis	EHPD Compliance Reports at 60, 90, 180 and 365 days

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.	
Compliance Rating	n/a
Discussion	n/a
Recommendations	n/a
Evidentiary Basis	n/a

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.	
Compliance Rating	n/a
Discussion	n/a
Recommendations	n/a
Evidentiary Basis	n/a